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Supreme Court, U.S.
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No. _____

IN THE SUPREME COURT
OF THE UNITED STATES

October Term, 1994

RONALD C. EUBANKS d/b/a
LAWYER COMPLAINT SERVICE RE:
AMENDED PETITION TO AMEND RULES
REGULATING THE FLORIDA BAR

PETITION FOR WRIT OF
CERTIORARI REVIEW FROM THE
SUPREME COURT OF FLORIDA

PETITION FOR CERTIORARI

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105pp

QUESTIONS PRESENTED

Did the Supreme Court of Florida violate Petitioner's rights, and the rights of his 337 supporting Petitioners, to due process of law, equal protection of the law, access to the courts, and to petition the government for a redress of grievances, guaranteed by the First, Fifth and Fourteenth Amendments to the U.S. Constitution, by refusing to grant Petitioners a hearing essential and necessary to detail the corruption within the judicial branch of state government with testimony and evidence to justify their allegations and proposed changes, in the public's best interest, to the Rules Regulating The Florida Bar?

Are the Supreme Court of Florida and its administrative arm, The Florida Bar, usurping the authority of other branches in violation of the separation of powers doctrine, having combined all three functions of government (legislative, executive, and judicial), when adjudicating private citizens not members of The Florida Bar and members of The Florida Bar acting in the capacity of private citizens alleged in violation of rules of The Florida Bar?

Are the Supreme Court of Florida and its administrative arm, The Florida Bar, violating citizens' rights to due process of law, equal protection of the law, freedom of speech, and access to the courts guaranteed by the First, Fifth and Fourteenth Amendments by requiring non-lawyer citizens, in the business of document preparation for pro se litigants, to sign a document having the effect of waiving his/her inalienable rights before the state court will allow the pro se litigant's case to be heard?

Is The Florida Bar, in its present form, existing and operating as an illegal, unconstitutional

government entity or fourth branch of government, in violation of the separation of powers doctrine and the First, Fifth and Fourteenth Amendments of the U. S. Constitution, having been created without public referendum or public approval by successive judicial fiats, each exceeding the court's jurisdiction of administrative rule-making, with the next built upon the previous as foundation, to unify members of a private professional trade association so it may assert its power upon state citizens as a government entity; and then disallows public control of its internal affairs, disallows a potent public voice in rule-making and combines the legislative, executive and judicial functions of government into one entity--itself--to suppress non-member public citizens' encroachment upon its members lucrative monopoly of providing legal services to the public, even though the non-lawyer public citizens had no voice in the making of the rules/laws being enforced against them?

LIST OF INTERESTED PARTIES

The Petitioner, Ronald C. Eubanks, d/b/a Lawyer Complaint Service, a not-for-profit sole proprietorship, was the Petitioner in the Supreme Court of Florida.

The 337 herein unnamed Florida citizens who signed the "Citizens Petitions."

John F. Harkness, Jr., who is the Executive Director of The Florida Bar. The Supreme Court of Florida.

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THE DECISIONS BELOW

Petitioner's Amended Petition to Amend Rules Regulating The Florida Bar (App. A) and Petitioner's Amended Motion for Oral Argument (App. B), Case No. 84,322, were denied without stating a reason on November 28, 1994 (App. C) and are unreported decisions. "Citizens Petitions," totaling 39 petitions which contain a grand total of 337 signatures, timely filed in support of Petitioner were also denied in the

above decision without stating a reason (App. D).

Petitioner's timely filed Motion for Rehearing, Clarification or Amendment (App. E) in said case was denied without stating a reason on January 30, 1995 (App. F) and is an unreported decision.

JURISDICTION

Petitioner has exhausted his remedies in his state's court of last resort, the Supreme Court of Florida which is also the court of original jurisdiction, and invokes jurisdiction of this Court pursuant to 28 U.S.C. §1254 and Rule 10.1(c), Rules of the Supreme Court of the United States, by filing this timely Petition for Certiorari review of the decisions of the Supreme Court of Florida.

Petitioner's Amended Petition to Amend Rules Regulating The Florida Bar and Petitioner's Amended Motion for Oral Argument, Case No. 84,322, were denied without stating a reason on November 28, 1994. Thirty-nine Citizens Petitions containing 337 signatures of concerned Florida residents were also denied on November 28, 1994.

Petitioner's timely filed Motion for Rehearing, Clarification or Amendment in said case was denied without stating a reason on January 30, 1995, thus exhausting Petitioner's appeals in his state. The denial of the above, did not permit oral argument during which evidence and testimony of victims of members of The Florida Bar would have been presented to the court to justify the rule amendments and did not permit a criminal investigation to be initiated by the State-Wide Grant Jury requested by Petitioner and 337 Florida citizens who signed "Citizens Petitions."

CONSTITUTIONAL AND STATUTORY PROVISIONS

Ignored by the Supreme Court of Florida was U.S. Const. amend. I:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. (Emphasis added).

Ignored by the Supreme Court of Florida was Fla. Const. art. I, §4:

> Every person may speak, write and publish his sentiments on all subjects but shall be responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for defamation the truth may be given in evidence. If the matter charged as defamatory is true and was published with good motives, the party shall be acquired or exonerated. (Emphasis added).

Ignored by the Supreme Court of Florida was Fla. Const. art. I, §5:

> The people shall have the right

> peaceably to assemble, to instruct their representatives, and to petition for redress of grievances. (Emphasis added)

Ignored by the Supreme Court of Florida was Fla. Const. art. I, §21:

> The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.

Ignored by the Supreme Court of Florida was the due process clause of U.S. Const. amend. V:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on presentation or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. (Emphasis added).

Ignored by the Supreme Court of Florida were the due process clause and the equal protection clause of U.S. Const. amend. XIV, §1:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (Emphasis added).

Ignored by the Supreme Court of Florida was Fla. Const. art. I, §9:

> No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against himself. (Emphasis added).

Rule 1-3.4(a) CLER Delinquent Members, of the Rules Regulating The Florida Bar:

> Any member who is suspended by reason of failure to complete continuing legal education requirements shall be deemed a delinquent member. A delinquent member shall not engage in the practice of law in this state and shall not be entitled to any privileges and benefits accorded to members of The

> Florida Bar in good standing. Any member suspended for failure to complete continuing legal education requirements may be reinstated as elsewhere provided in these rules. (Emphasis added)

Rule 1-4.1 Composition of Board of Governors, of the Rules Regulating The Florida Bar (App. G).

Rule 1-4.2 Authority; Supervision, of the Rules Regulating The Florida Bar (App. H).

Rule 1-7.5 Retired, Resigned, Inactive, Delinquent Members, of the Rules Regulating The Florida Bar:

> A member who is retired, resigned, inactive, or delinquent shall not practice law in this state until reinstated as provided in these rules. (Emphasis added)

Rule 1-8.1 Responsibility of Board of Governors, of the Rules Regulating The Florida Bar:

> Among its other duties, the board of governors is charged with the responsibility of enforcing the Rules of Discipline and the Rules of Professional Conduct. (Emphasis added)

Rule 1-8.2 Unlicensed Practice of Law, of the Rules Regulating The Florida Bar:

> The board of governors shall act as an arm of the Supreme Court of

> Florida for the purpose of seeking to prohibit the unlicensed practice of law by investigating, prosecuting, and reporting to this court and to appropriate authorities incidents involving the unlicensed practice of law in accordance with chapter 10.

Rule 1-8.4 Clients' Security Fund, of the Rules Regulating The Florida Bar:

> The board of governors may provide monetary relief to persons who suffer reimbursable losses as a result of misappropriation, embezzlement, or other wrongful taking or conversion by a member of The Florida Bar of money or other property that comes into the member's possession or control, all in accordance with chapter 7.

Rule 10-1.1 Jurisdiction, of the Rules Regulating The Florida Bar:

> Pursuant to the provisions of article V, section 15, of the Florida Constitution, the Supreme Court of Florida has inherent jurisdiction to prohibit the unlicensed practice of law.

Rule 10-1.2 Duty of The Florida Bar, of the Rules Regulating The Florida Bar:

> The Florida Bar, as an official arm of the court, is charged with the duty of

> considering, investigating, and seeking the prohibition of matters pertaining to the unlicensed practice of law and the prosecution of alleged offenders. The court shall establish a standing committee on the unlicensed practice of law and at least 1 circuit committee on unlicensed practice of law in each judicial circuit.

Rule 10-2.1 Generally, of the Rules Regulating The Florida Bar (App. I).

Bylaw 2-2.3 List of Members, of the Bylaws of the Florida Bar:

> The executive director shall furnish the chief judge of each circuit and the clerk of each court a list of all members in good standing and a list of all inactive members and shall furnish corrections and additions to such lists as occasion may require.

Fla. Stat. 454.23 Attorneys at Law, Penalties:

> Any person not licensed or otherwise authorized by the Supreme Court of Florida who shall practice law or assume or hold himself out to the public as qualified to practice in this state, or who willfully pretends to be, or willfully takes or uses any name, title, addition, or description implying that he is qualified, or recognized by law as qualified, to act as

> a lawyer in this state, and any person entitled to practice who shall violate any provisions of this chapter, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

STATEMENT OF THE CASE

The Florida Bar--A Brief History

Calling upon the court's inherent power to "make rules," without public input or state referendum, the Supreme Court of Florida issued an order on June 7, 1949, Petition of Florida State Bar Ass'n, 40 So.2d 902, approving the Rule of Integration in response to a petition submitted by the Florida State Bar Association, the private professional trade association for Florida lawyers. This was a very significant order as it opened the door for the creation of The Florida Bar and the merging of the legal profession with its practitioners into the judicial branch of government. This historic order proclaimed that, "attorneys are ... officers of the court and as such constitute an important part of the judicial system."

This lengthy order was written by Justice Glenn Terrell writing for the majority, and stated in part:

> .... The Bar increases in public esteem by the precepts it lives by, not by the money it makes. In fact, if money making is the lawyer's sole purpose, he worships a God that is too small. If he does not approach the law as an avenue to perform a fine public service, work

> hard, live by faith and die poor, he should turn to some other business for food and shelter and raiment. It is true that now and then one turns trader [sic] and finds the coveted pot of gold but not so if he sticks strictly to his profession. The very nature of the lawyer's business is that of trustee. If he makes a feather bed of that to sprawl on and pulls the cover over his head oblivious to the things taking place around him he invites merited criticism or disaster.
>
> ...

Such magnificent, if not wishfully prophetic, words implied the profession of the practice of law in Florida would be transformed into a profession, unlike any other, that would serve the public before it served itself. This order also established a "bright line test" to determine if a particular member of the Bar measures-up to the implied standards of the new integrated Bar.

The citizens of Florida were not invited to this "wedding" even though it amounted to the marriage of a trade association to a branch of state government, a most unholy union. The wishes, needs or opinions of the citizens of this state were given no consideration, nor were the citizens of Florida queried for same.

The Florida Supreme Court issued another order on March 4, 1950, adopting an amended Integration Rule of The Florida Bar, and this order stated:

> Pursuant to opinion filed June 7, 1949, (reported in ____ Fla. _____, 40

So.2d) 902* integrating the Florida Bar, the State Bar Association submitted to this Court a proposed Rule or Constitution to perfect and govern the integrated bar. The proposed rule was examined and found ample to accomplish the purpose for which it was designed and was on February 27, A.D. 1950 approved and adopted as the Rule of this Court to integrate the Florida Bar.

It was later called to our attention that the Rule so adopted should be enlarged and clarified in its provisions for formally abolishing the present voluntary bar organization and setting up the Integrated Bar. The appropriate articles, primarily two, three and four and others secondarily, have been amended for this purpose. The Rule as first adopted is accordingly withdrawn and the Rule as amended is hereby substituted in its place. The amended rule is therefore adopted and approved as the Rule of this Court under which the Florida Bar may proceed to perfect and administer the Integrated Bar.

DONE and ORDERED this 4th day of March, A.D. 1950. (Emphasis added)

In 1955, on December 6th, the court issued an order adopting a completely amended Integration Rule which, among other things, added very significant language to its Preamble, stating:

. . . the following principles are expressly

adopted by this Court:

(a) The Florida Bar, a body created by and existing under the authority of this Court, is charged with the maintenance of the highest standards and obligations of the profession of law, and to that end is vested by this Court, in the exercise of its inherent powers over The Florida Bar as an official arm of this Court, with the necessary powers and authority.

(b) Attorneys admitted to practice law in Florida are a part of the judicial system of Florida and officers of its courts.

(c) Persons of integrity and good character only shall be permitted to practice law in Florida. (Emphasis added)

. . . .

This new and totally revised version of the Rule of Integration once and for all clearly established and bestowed a new status upon The Florida Bar for its lawyer members to enjoy from that day forward. This order officially confirmed and established "... The Florida Bar as an official arm of this Court" and the fact that "attorneys ... are a part of the judicial system of Florida and officers of its courts." These principles "expressly adopted by this Court" remain intact to this day.

As one can see, the Supreme Court of Florida was building upon successive judicial fiat (rules) until The Florida Bar was firmly entrenched and had the power to perpetuate itself. At such time, citizens of Florida witnessed the birth of a monopoly of law in

this state, government-sponsored, and to be called The Florida Bar. Yet, this entity would be operated and controlled by persons not employed by the state or elected by its citizens but by private citizens in business for themselves, independent of the state, all having common membership in a professional trade association. This entity called The Florida Bar is allowed to own property without paying property taxes and keeps all the money it collects from dues, sales of books, fees for seminars, etc., and The Florida Bar pays no income tax. The Florida Bar can do as it wishes with this money. It refuses to be defined an "agency" of state government to avoid the Florida Sunshine Laws. Such a link would make secret meetings illegal and would force many public disclosures--a most intolerable requirement. And on top of all this, the Supreme Court of Florida has "anointed" it with the power of the court, at the risk and expense of Florida citizens.

The Florida Legislature bestowed powers and rights upon officers of the court which are not afforded other Florida citizens that re-enforces attorneys' special status and power granted them by the Supreme Court of Florida. The Florida Legislature declared "all attorneys shall be deemed officers of the court for the administration of justice ..." Fla. Stat. §§ 454.11 and 454.17--quite easy to accomplish in a legislature whose judicial committees were dominated and controlled by members of the new integrated Bar.

After creating The Florida Bar, the Supreme Court of Florida issued an order defining the "purpose" of The Florida Bar found in Chapter 1, §2 of the Rules Regulating The Florida Bar, which states:

The purpose of The Florida Bar

> shall be to inculcate in its members the principles of duty and service to the public, to improve the administration of justice, and to advance the science of jurisprudence. (Emphasis added)

But, The Florida Bar has failed to fulfill this clearly defined purpose as set out by the Supreme Court of Florida and is currently reeking havoc upon the citizenry of Florida while in the pursuit of the special private interests demanded by its elite membership, contrary to public interests.

The Supreme Court of Florida is ultimately responsible for the present state of affairs existing within the state's judicial system because it oversees The Florida Bar--or does The Florida Bar now oversee the court, after 45 years of growth?

A Florida Judiciary Beyond Popular Control Breeds Corruption

Petitioner was motivated to take action, which now brings this issue before this Court, after hearing horror stories from his customers since October 1991 while operating Able Legal Document Service. Petitioner was appalled at what he was hearing and felt he must speak out. He created Lawyer Complaint Service offering its services at no charge to the public. Petitioner's business, Able Legal Document Service, provides non-lawyer legal services to the public in mostly uncontested family law matters and has been forced to aggressively defend itself from attack by members of The Florida Bar, lawyers and judges (App. J). Petitioner's clientele primarily consist of citizens who cannot afford the high cost of a Florida Bar

member, so, in the spirit of Johnson v. Avery (1969) 393 U.S. 483, 21 L.Ed.2d 718, 89 S.Ct. 747, and within the confines of Fla. Stat. 454.23, Able Legal Document Service offers its services to the public (App. K). Petitioner is proud he has not generated any consumer complaints from his customers--only from Florida lawyers with whom he competes (App. L).

On August 30, 1994, Petitioner filed his original Petition to Amend the Rules Regulating The Florida Bar and a Motion for Oral Argument. On September 1, 1994, Petitioner filed an Amended Petition to Amend the Rules Regulating The Florida Bar and an Amended Motion for Oral Argument. When Petitioner filed the above case with the Clerk of the Court he requested a case number, but the Deputy Clerk stated that she could not assign a case number at this time, but maybe later.

Petitioner sent a letter to the court on September 6, 1994 (App. M) complaining of the delay in receiving a case number. After approximately a week and after making repeated telephone calls to Mr. Sid White, the Clerk of the Court, Petitioner was assigned case number 84,322.

Mr. White required Petitioner to pay a $250.00 filing fee even though this matter was concerning "Bar business," Petitioner was not required to pay a fee in a previous case and such fees are not required of The Florida Bar or its members to petition the court for similar amendments to the Rules Regulating The Florida Bar. This practice is clearly discriminatory and appears to be used to discourage non-lawyer citizens from attempting to tamper with The Florida Bar Rules. Associated Press Reporter, Bill Kaczor, heard of Petitioner's difficulty in obtaining a case number and wrote a story which appeared in the state's major

newspapers (App. N). It caused quite a stir across the state.

The Supreme Court of Florida denied Petitioner, and the petitioning citizens in support of Petitioner, equal protection of the law and due process of law contrary to this Court's decision in Anderson Nat. Bank v. Luckett (1944), 321 U.S. 233, 246, 88 L.Ed. 692, 705, 64 S.Ct. 599, 151 ALR 824 which states:

> The fundamental requirement of due process is an opportunity to be heard upon such notice and proceedings as are adequate to safeguard the right for which the constitutional protection is invoked. (Emphasis added)

By denying Petitioners an opportunity to state their case in oral argument, the court avoided a detailed public disclosure of the wrongdoing, to be supported by evidence and the testimony of witnesses/victims, alleged by Petitioner and perpetrated by members of The Florida Bar. Such a public disclosure, with the press looking on, would have been unbearable to the court, to put it mildly. Hence, the court declined justice to Petitioners to conceal an ugly truth--insider corruption and justice for sale within the Florida court system at the highest level.

The court's comments in Case Number 83,222, heard August 30, 1994, decision rendered October 20, 1994, in The Florida Bar Re: Amendments to Rules Regulating The Florida Bar and other decisions imply the Supreme Court of Florida has no interest in the public's concerns. The court made the following comment:

> ... A number of private citizens also filed petitions and appeared at oral argument in this cause. We commend those citizens who participated in these proceedings and took the time to share their concerns and frustrations with the Court. However, we find the citizens' proposals to be without merit, and thus do not approve the amendments or new rules set forth in the citizens' petitions.... (Emphasis added)

Before the Supreme Court of Florida, public Petitioners are routinely denied an impartial tribunal contrary to this Court's opinion in Marshall v. Jerrico (1980), 446 U.S. 238, 242, 64 L.Ed.2d 182, 100 S.Ct. 1610, 1613:

> The Due Process Clause entitles a person to an impartial and disinterested tribunal ... This requirement of neutrality in adjudicative proceedings safeguards the two central concerns of procedural due process, the prevention of unjustified or mistaken deprivations and the promotion of participation and dialogue by affected individuals in the decision making process. (Citations omitted) The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the fact or the law (Citations omitted) ... it preserves both the appearance and reality of fairness (Citations omitted) ... assurance

> that the arbiter is not predisposed to find against him. (Emphasis added)

The seven justices of the Supreme Court of Florida are also very powerful, influential members of The Florida Bar. So, it must be assumed they are very loyal, hard-core members, which does not make for an "impartial and disinterested tribunal."

This Court discussed the historic progression of due process in Griffin v. People Of The State of Illinois (1956), 351 U.S. 12, 16, 76 S.Ct. 585, 590 where this Court stated:

> Providing equal justice for poor and rich, weak and powerful alike is an age-old problem. People have never ceased to hope and strive to move closer to this goal. This hope, at least in part, brought about in 1215 the royal concessions of Magna Charta: "To no one will we sell, to no one will we refuse, or delay, right or justice".
>
> Ye shall do no unrighteousness in judgment; thou shalt not respect the person of the poor, nor honour the person of the might; but in righteousness shalt thou judge thy neighbor. Leviticus, c. 19, v. 15. (Emphasis added)

The Supreme Court of Florida, while carelessly and recklessly using its power to make rules, conveyed to The Florida Bar the authority to:

> ... act as an arm of the Supreme Court of

> Florida for the purpose of seeking to prohibit the unlicensed practice of law by investigating, prosecuting and reporting to this court and to appropriate authorities incidents involving the unlicensed practice of law in accordance with Chapter 10,

as stated in Rule 1-8.2 Unlicensed Practice of Law, of the Rules Regulating The Florida Bar, even though the state has Fla. Stat. 454.23 to protect the public. This rule is applied as law, as is chapter 10 of the Rules Regulating The Florida Bar, and passes to the Bar the court's stamp of approval to invade the privacy of citizens not members of The Florida Bar by investigating and prosecuting said non-members.

This activity is unconstitutional and a violation of the separation of powers doctrine of the U.S. Constitution, wherein the administrative arm of the Supreme Court of Florida is allowed by said court to exercise the powers of the legislative branch, as lawmakers; to exercise the power of the executive branch, as law enforcement officers; and to exercise the power of the judicial branch, as trier and interpreter of its own rules/laws. These Bar rules, having the effect of law on private citizens--who had no voice in their creation--also clearly limit, restrict and chill protected speech; deny due process and equal protection of the laws in violation of the state and federal constitutions.

A convenient use for such tyrannical power is to oppress and persecute the individuals perceived as "enemies of The Bar" currently deemed "legal technicians" and others who may be of some nuisance.

In the case of legal technicians The Florida Bar maintains "monitor files" to store information gathered by The Florida Bar's private investigators and the various and numerous complaints filed against them by Florida Bar members who are being financially harmed by the technician's low prices for document preparation. The Florida Bar's private investigators harass and intimidate public citizens and put pressure on them for information (App. O). All it takes to start this illegal process is a letter from a competing member of The Florida Bar to The Florida Bar UPL Department (App. L), containing an allegation of unlicensed practice of law. This allegation invokes the Bar's assumed jurisdiction and need not be sworn as the truth under penalty of perjury as must a complaint against a member of The Florida Bar filed by the lawyer's client.

In Petitioner's judicial circuit within the County of Okaloosa the local administrative circuit judge issued an order, inspired by Rule 10-2.1 (App. I) in chapter 10 of the Rules Regulating The Florida Bar, which attempts to regulate the non-practice of law, an area of non-lawyer citizen activity not in violation of Fla. Stat. 454.23 and outside the jurisdiction of the court. This rule, as applied in Petitioner's county, pursuant to Amendment to Administrative Directive 95-2 (App. P), issued by Judge Jere Tolton, requires that a disclosure of nonlawyer assistance be filed in all cases when a non-lawyer helps a pro se litigant. The above directive also states in part:

> The Clerk of Court shall not accept pleadings filed by a pro se litigant for filing and docketing until all pleadings conform to the requirements of the

procedure as outlined above.

This directive requires the non-lawyer preparer to make statements to his/her customer that are false. This directive chills protected speech and is in violation of U.S. Const. amend. I as well as Fla. Const. art. I §4. If this document is not filed, or does not contain the required false statements, the clerk will and has refused the otherwise correctly prepared documents for filing. This first occurred to Petitioner on Friday, April 28, 1995, when Debra Burns, a Deputy Clerk, acting solely upon the direction of her supervisor, Kathy Henley, who answers to Newman "Bubba" Brackin, the County Clerk, refused to accept a divorce case filing for Stephanie P. Burke, Case No. 95-1412-FD. The deputy clerk accepted the case only after Petitioner relented and allowed her to remove his previously prepared version of the nonlawyer disclosure form, signed by Petitioner and Mrs. Burke, from the court file and agreed to later file the form she was allowed to accept. Ms. Burns was not allowed to accept any filing from Petitioner's customers with his form attached (App. Q). As this Court can see the Florida courts are not above denying access to citizens if they are not represented by a member of The Florida Bar. Conversely, this directive does not require attorneys to file a statement that they are, in fact, attorneys admitted to practice law, are members in good standing and are therefore authorized to practice law in this state.

The court through its administrative arm, The Florida Bar, is not beyond oppressing and persecuting members of The Florida Bar if they should be out of step with the "party line." Examine the case of John B. "Jack" Thompson, a Florida Bar member who

resides in Coral Gables, Florida. He was attacked and pursued by The Florida Bar for three and one-half years only because he was outspoken in his beliefs. The then president of The Florida Bar, James Fox Miller, witnessed Thompson's discussion of The Bar's "mental incapacity" grievance on a national television broadcast of the Donahue show. Bar President Miller was so outraged that he confided to an attorney, who was a friend of Thompson's, that The Florida Bar would get Mr. Thompson as a payback. The Florida Bar then set out to do so according to Thompson. The dispute was settled when Mr. Thompson filed suit against The Florida Bar for violating his constitutional rights (App. R). The Florida Bar's insurance company settled the case with a $20,000 settlement payable to Mr. Thompson.

Quite obviously the above described behavior of the court and its administrative arm is contrary to this Court's decision in Daniels v. Williams (1986), 474 U.S. 327, 331, 88 L.Ed.2d 662, 668, 106 S.Ct. 662, which states that judicial power must not be, "used for purposes of oppression."

Thus, the Supreme Court of Florida and The Florida Bar have assumed jurisdiction over private citizens in matters outside the court's jurisdiction, by court rule, contradicting this Court's opinion in Stoll v. Gottlieb (1938), 305 U.S. 165, 171, 59 S.Ct. 134, 137, this Court declared that:

> A court does not have the power, by judicial fiat, to extend its jurisdiction over matters beyond the scope of the authority granted to it by its creators. (Emphasis added)

Article V §15 of the Florida Constitution, adopted in 1972, reads:

> The Supreme Court shall have exclusive jurisdiction to regulate the admission of persons to the practice of law and the discipline of persons admitted.

Article V §2(a) of the Florida Constitution states in part:

> The supreme court shall adopt rules for the practice and procedure in all courts...,

and does not convey to the Supreme Court of Florida jurisdiction over private citizens. This section specifically grants the court the authority to only create rules for practice and procedure of the courts (App. S).

As one can see, private citizens who are not seeking Bar membership, who are not currently admitted to the Bar or who are otherwise in compliance with Fla. Stat. 454.23 are excluded from the court's jurisdiction concerning this issue.

As previously mentioned, Fla. Stat. 454.23 provides severe penalties for violators. This law is available to the Office of State Attorney to enforce when it comes upon a violator. Therefore, the police actions of The Florida Bar against private citizens are not needed, are redundant, and are interposed for an improper purpose. Yet, The Florida Bar's court sponsored disregard of citizens' constitutional rights continues.

Citizens' rights are trampled even though Bar members swore to an oath (App. T) stating in part:

> I do solemnly swear: I will support the Constitution of the United States and the Constitution of the State of Florida; ...,

and even though violation of said oath constitutes a violation of the Rules of Professional Conduct, and "the willful violation to which disbarment may be had." All this is done under the guise of protecting the citizens, but the citizens actually need protection from Florida Bar members instead!

The Florida Bar's true motive is to protect members' special private interests and the bottom line of their financial statements as demonstrated by various statements of top Florida Bar officials published in the Florida Bar News, the official newspaper of The Florida Bar, to which Petitioner is a subscriber. Such statements and comments indicate that competition with legal technicians is unbearable and places an unfair financial burden on small law firms and sole practitioners. Therefore, The Florida Bar's motive for oppression can be traced directly to the financial pressure of competition with non-Bar members (a good old American free enterprise concept) and not concern for public welfare. Petitioner will produce for the Court upon request or oral argument these numerous, lengthy, and revealing Florida Bar News articles.

A dual standard is used by the Supreme Court of Florida and its officers in observing and enforcing the Rules Regulating The Florida Bar denying citizens equal protection. The Florida Bar allowed hundreds, and possibly thousands, of its members to practice

law while suspended under Rule 1-3.4(a) CLER Delinquent Members, Rule 1-7.5 RETIRED, RESIGNED, INACTIVE, DELINQUENT MEMBERS and other rules. The Florida Bar officers also failed to notify the proper authorities, pursuant to Bylaw 2-2.3. This lack of interest in rule enforcement allowed delinquent Florida lawyers to defraud the public by charging unlawful attorneys' fees and salaries and practicing law illegally, completely unreported and unhindered, until approximately mid-January of 1994. Apparently, The Florida Bar has allowed this unlawful practice for the past several years and only terminated the practice after being confronted by Petitioner (App. U).

Petitioner contacted and then attempted to persuade numerous Florida Bar members holding public positions of trust in various state agencies to enforce the law, including The Florida Bar, but in all such efforts Petitioner encountered only experts in stone walling, instead of honest, dedicated Florida Bar members inculcated with "principles of duty and service to the public." In fact, Chief Assistant State Attorney for Okaloosa County, Charles Williams, said to Petitioner, "Attorneys are exempt from the law--they can do whatever the Supreme Court is willing to let them do!" Thus, it appears, The Florida Bar and the court are openly nurturing lawlessness within The Bar membership.

Such a reckless remark by an officer of the court holding such a high public position of trust is clear and convincing evidence of the state of decay of Florida's legal justice system under the control of The Florida Bar, in its present form, absent public influence and the proper checks and balances. This example is further proof The Florida Bar has failed to fulfill its purpose as defined by the court, and that the

"integrated Bar system" leads only to government corruption and tyranny.

The Florida Bar receives approximately 7,500 complaints against Florida lawyers annually from their clients and/or other citizens. Only about five percent of these complaints result in any form of disciplinary action against the offending attorney. A large portion of this percentage consists of discipline consistent with a slap on the wrist and is far from being genuine punishment and a deterrent (App. V).

As a result of operating Lawyer Complaint Service since January 1, 1993, and talking to hundreds of victims of Florida Bar members, Petitioner finds statistically there are approximately 5 complaints not filed for every complaint that is filed. Threats to sue the client and fear of retaliation by the lawyer discourage most victims from pursuing a complaint against a Florida Bar member.

The Clients' Security Fund has been vastly depleted and continues to suffer from the rising number of claims, due to the rising number of defalcating members of The Florida Bar. To save the fund from collapse, instead of properly funding the program, The Florida Bar felt it necessary to reduce its initial payment to a maximum of $10,000, from a previous $50,000 maximum, instead. Even though The Florida Bar refuses to pay Clients' Security claims in full, when it pays at all, its reluctance to do so is not due to lack of cash. So, one can see here how concerned The Florida Bar really is for victims of corrupt Florida Bar members and the public welfare.

The Florida Bar maintains approximately 12 million dollars in an investment fund, with which it dabbles in stocks and other securities. The Florida Bar currently possesses assets of approximately twenty-

eight million dollars. The citizens of Florida have no voice in how The Florida Bar spends this money or uses its assets.

The Florida Bar does not force members to acquire malpractice insurance or be bonded to protect their clients, even though Florida lawyers are often just one unauthorized signature away from wiping out someone's trust account or taking some other significant asset. Obviously, such an insurance or bonding requirement would be in the best interest of the public. Unfortunately for some clients, many Florida lawyers cross that line, as revealed by examining the records of the Florida Bar Client's Security Fund and its impoverished financial state. For example, David Selby, Esquire, a former Okaloosa County lawyer, stole $199,979 from the Okaloosa County School Board while he was serving as the School Board attorney. The Client's Security Fund denied two claims and paid nothing. William Barrow, Esquire stole over $300,000 from a family trust account. The Florida Bar Client's Security Fund offered to pay only $10,000 to this suffering family. Neither of these attorneys carried insurance nor were bonded to protect their clients from the lack of integrity of their Florida lawyers. As one can see, a corrupt Florida lawyer can cause a tremendous amount of financial public harm in a short time because Florida lawyers are routinely placed in high positions of trust (App. W). Still, the public is not adequately protected from members of The Florida Bar.

The present-day picture of The Florida Bar is not as "pretty" as Justice Terrell "painted" in his June 7, 1949 order and, unfortunately, his words were not prophetic. Florida citizens' opinions and wishes are still ignored and the citizens do not have significant

influence or representation to force The Florida Bar to serve public interest over and above the special private interest of Florida Bar members. Cleverly, The Florida Bar has only allowed a token and impotent public representation to participate in its governing.

CONCLUSION

The Florida Bar, the Supreme Court of Florida's official arm, and the officers of the court, are denying honest government services to Florida citizens by ignoring the separation of powers doctrine and by circumventing the critical checks and balances this democratic principle establishes. Citizens are being denied due process of law, equal protection of the law, and freedom of speech, all being inalienable rights granted by the federal and state constitutions, by the courts' usurpation of power outside its jurisdiction. Such government behavior is contrary to the intent of the framers of the U.S. Constitution as well as the Florida Constitution.

During the constitutional convention of 1787 James Madison wrote:

> No political truth is of greater intrinsic value ... The accumulation of all powers, legislative, executive and judiciary, in the same hands, whether or one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the definition of tyranny.

Alexander Hamilton and Thomas Jefferson had very different opinions on matters but were of one mind on this. Hamilton wrote:

> Give the power to the many and they will oppress the few. Give all the power to the few and they will oppress the many. But ought therefore to have power so that each may defend itself against the other.

Jefferson was more precise and said:

> An elective despotism was not what we fought for, ... but one in which the powers of government should be so divided and balanced, ... that no one could transcend the legal limits without being effectively checked and restrained by the others.

As one may conclude after reading the above famous quotations that help define our democratic government, found in The Government of the United States by William Bennett Munro at page 75, the officers of the court are destroying instead of supporting the constitutional principles upon which our country and our state were founded.

California has started putting democracy back on track by initiating non-lawyer public majorities to influence their judicial branches of state government. California greatly influenced the Supreme Court of Florida and Justice Terrell to approve the Florida State Bar Association's petition in 1949 to integrate The Bar. Now, California is moving to put the public interests first.

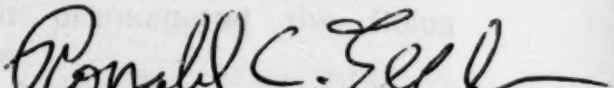
California citizens voted overwhelmingly on November 8, 1994, to approve Proposition 190 which, among other things, mandated a non-lawyer

public majority to constitute the members of the California Commission on Judicial Performance. This is California's equivalent of Florida's Judicial Qualifications Commission.

Petitioners' proposed amendments to the Rules Regulating The Florida Bar, which included creating a super majority of non-lawyer citizens to serve on the board of governors, requiring members of The Florida Bar to carry malpractice insurance and requiring Bar members to be bonded, would have added desperately needed client protection as well as important checks and balances in Florida's judicial system. The public would immediately benefit by having the ability to control The Florida Bar to protect the public interests, a model would be created for other states to follow and the reputation of the legal profession would be vastly improved. Additionally, the requested criminal investigation would have uncovered the guilty parties responsible for the corruption, some of which Petitioner has cited herein. As predicted, the Supreme Court of Florida could not risk oral argument exposure.

Wherefore, Petitioner prays this Court to grant this petition for certiorari review, grant him and the citizens of Florida relief from judicial tyranny and restore the U.S. Constitution to Florida government.

Respectfully submitted,



RONALD C. EUBANKS d/b/a
Lawyer Complaint Service
3 Maples Street, N.W.
Fort Walton Bch., FL 32548
904-243-5899/244-2230
PETITIONER PRO SE

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of May, 1995, three true and correct copies of the foregoing Petition for Certiorari were deposited in the U.S. Mail, with proper postage thereon, and addressed to John F. Harkness, Jr., The Florida Bar, 650 Apalachee Parkway, Tallahassee, FL 32399-2300 and to Clerk, Supreme Court of Florida, Supreme Court Building, Tallahassee, FL 32399.

Ronald C. Eubanks

RONALD C. EUBANKS

APPENDIX A

IN THE SUPREME COURT OF FLORIDA

RONALD C. EUBANKS d/b/a
LAWYER COMPLAINT SERVICE RE:
PETITION TO AMEND RULES CASE NO.
REGULATING THE FLORIDA BAR

AMENDED
PETITION TO AMEND RULES REGULATING
THE FLORIDA BAR

COMES NOW the undersigned, Ronald C. Eubanks d/b/a Lawyer Complaint Service (hereinafter referred to as the Petitioner) who is a resident and an elector of the State of Florida, and files this Amended Petition to Amend Rules Regulating The Florida Bar and states:

1. The Petitioner files this pleading under the authority of and pursuant to Article I Section 21 of the Florida Constitution and the First Amendment of the United States Constitution.

2. The Florida Supreme Court established The Florida Bar as its official arm of the Court and the Court defined The Florida Bar's authority and responsibilities when it promulgated the Rules Regulating The Florida Bar.

3. The Florida Supreme Court defined the "purpose" of The Florida Bar in Chapter I Section 2 of the Rules Regulating The Florida Bar, which states:

> The purpose of The Florida Bar shall be to inculcate in its members the principles of duty and service to the public, to

improve the administration of justice, and to advance the science of jurisprudence.

4. The Florida Bar has failed to fulfill its clearly defined purpose as set out by this Court and has been operating as a self-promoting, self-centered, private professional trade association for the past forty-four years and has prohibited, by rule, significant public input and influence of non-lawyer citizens of this state in its internal operations. While doing so, it has regulated and disciplined its own members with extreme bias, to the detriment of public interests. This "failure in purpose" of the present-day Florida Bar has caused the public to incur significant harm which continues unabated.

5. The Florida Bar has allowed its lawyer disciplinary system to break down and become ineffective, rendering this disciplinary system a joke in and of itself, due to the ability of dishonest, unethical lawyers to operate unfettered. The Florida Bar has allowed the practice of law to evolve into what most resembles a "racket" instead of an honorable profession. The strength and integrity of a chain is measured by its weakest link. Similarly, the integrity of Florida's legal profession can be measured by its weakest link–which is the most dishonest, unethical Florida Bar member allowed to continue harming the public and ruining the lives of clients but is maintained as a member in "good standing" by The Florida Bar. The Florida Bar tolerates many such Florida attorneys, transforming a license to practice law in Florida into a license to lie, cheat and steal with impunity.

6. The Florida Bar has failed to instill in its members the importance of supporting and respecting the state and federal constitutions and the

constitutional rights of individual citizens. As one example, this failure is causing pro se litigators to routinely be denied their constitutional rights of due process and equal protection of the law because they refused or could not afford to hire a Florida lawyer to go to court with them. Failure to support the state and federal constitutions is a violation of the Oath of Admission to The Florida Bar, yet violations are common place.

7. The Florida Bar is exceeding its jurisdiction and is using its Unlicensed Practice of Law Department as an instrument of intimidation, primarily to protect the private law practices of its members from the competition provided by so-called "legal technicians" and their "self-help non-lawyer enterprises." This Florida Bar department routinely initiates "investigations" of private citizens, absent consumer complaints, by commissioning highly paid private investigators, who often pose as some type of police officer by displaying impressive, misleading credentials, to intimidate and question private citizens. These illegal investigations are almost always initiated upon the complaint of Florida Bar members who feel threatened by the lawful operation of self-help non-lawyer enterprises operated by non-members of The Florida Bar. Many of these legal technicians are frightened out of business after merely receiving a letter from The Florida Bar and others only after being threatened by Florida Bar members. Such activities are clearly a violation of citizens' rights guaranteed by the First, Fifth, Fourteenth and other Amendments to the United States Constitution and are actionable under Title 42 of the U.S. Code.

8. The Florida Bar has successfully instilled a sense of camaraderie and brotherhood within the

ranks of its membership, but to the detriment of the best interests of the public and to the detriment of the reputation and honor of the legal profession. This sense of fraternity has promulgated an unwritten rule of secrecy to "protect thy brother lawyer" among Florida lawyers and judges which renders Rule 4-8.3 REPORTING PROFESSIONAL MISCONDUCT ineffective and useless as a means of identifying and/or preventing prohibited activity among the members of The Florida Bar. Also, this unwritten rule adds difficulty in locating a lawyer to aggressively pursue a meritorious suit against a fellow Florida Bar member. Petitioner knows of another organization whose members have privately adopted a similar rule of silence and self-protection. Its members specialize in theft, murder, racketeering and other illicit activities. Their organization is called the "Mafia,"[1] which shares many similarities with The Florida Bar.

9. As a consequence of this sense of brotherhood, camaraderie and self-protection, the clients of Florida lawyers and the citizens of this state are paying a high price. Florida Bar officials do not force their fellow members to acquire and pay the high cost of malpractice insurance or be bonded to protect their clients, even though lawyers are often just <u>one unauthorized signature away</u> from wiping out someone's trust account or taking some other

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[1] The Mafia is a secret criminal society originating in Sicily but also operates in the United States. It is composed mainly of criminal elements and is usually held to control racketeering, peddling of narcotics, gambling, and other illicit activities throughout the world. Members who violate their oath of secrecy and betray the organization or its members are branded as traitors and marked for death.

significant asset. Obviously, such an insurance or bonding requirement would be in the best interests of lawyers' clients. Unfortunately for some clients, many Florida lawyers cross that line, as revealed by examining the records of the Florida Bar Client's Security Fund and its impoverished financial state. For example, David Selby, Esquire stole $199,979 from the Okaloosa County School Board while he was serving as the School Board attorney. The Client's Security Fund denied two claims and paid nothing. William Barrow, Esquire stole over $300,000 from a family trust account. The Florida Bar Client's Security Fund offered to pay only $10,000 to this suffering family. Neither of these attorneys carried insurance nor were bonded to protect their clients from the lack of integrity of their Florida lawyers. As one can see, a corrupt Florida lawyer can cause a tremendous amount of financial public harm in a short time because Florida lawyers are routinely placed in high positions of trust.

10. The indifference exhibited by officers of The Florida Bar, in observing and enforcing the Rules Regulating The Florida Bar, has caused this agency of the Court to allow hundreds, and possibly thousands, of its members to practice law while suspended under Rule 1-3.4(a) CLER Delinquent Members, Rule 1-7.5 RETIRED, RESIGNED, INACTIVE, DELINQUENT MEMBERS and other rules. The Florida Bar officers also failed to notify the proper authorities, pursuant to Bylaw 2-2.3.[2] This breakdown allowed delinquent

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[2] BYLAW 2-2.3 LIST OF MEMBERS. The Executive Director shall furnish the Chief Judge of each circuit and the Clerk of each court a list of all members in good standing and a list of all inactive members and shall furnish corrections and additions to

Florida lawyers to defraud the public by charging unlawful attorneys' fees and salaries and practicing law illegally, completely unreported and unhindered, until approximately mid-January of 1994. Apparently, The Florida Bar has allowed this unlawful practice for the past several years and only terminated the practice after being caught in the act by Petitioner.

11. Petitioner contacted and then attempted to persuade numerous Florida Bar members holding public positions of trust in various state agencies to enforce the law, including The Florida Bar, but in all such efforts Petitioner encountered only experts in "stone walling," instead of honest, dedicated Florida Bar members inculcated with principles of duty and service to the public. In fact, one Assistant State Attorney said to Petitioner, "Attorneys are exempt from the law--they can do whatever the Supreme Court is willing to let them do!" The Florida Bar is currently nurturing lawlessness within its membership. Such a reckless remark by an officer of the Court holding such a high public position of trust is clear and convincing evidence of the state of decay of Florida's legal justice system under the influence and control of The Florida Bar. It is further proof The Florida Bar has failed to fulfill its purpose as defined by the Court.

12. The Florida Bar has lapsed into such a poor state of integrity directly because of the lack of public influence and control of its internal operations. Absent are the "checks and balances" and public supervision that are essential for a public agency to remain objective while fulfilling its purpose and serving public interests. Only the public can identify and

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such list as occasion may require.

protect the public interests.

13. The Florida Bar can be rehabilitated by reconfiguring the composition of its governing body, the Board of Governors, as defined in Rule 1-4.1 COMPOSITION OF BOARD OF GOVERNORS, such that its voting members would comprise a significant majority of non-lawyer public citizens who are not financially dependent upon lawyers (i.e. paralegals, legal secretaries, court reporters, etc.) instead of the current lopsided configuration of 49 Florida Bar members and only two or three "token" non-lawyer public members. Such a reconfiguration will transform The Florida Bar from a self-centered, greedy private professional trade association into an honest public service organization properly oriented to meeting public needs and protecting public interests. Then, The Florida Bar and its governing body, The Board of Governors, will be in the best position to "inculcate in its members the principles of duty and service to the public" as stated first in Chapter I Section 2 of the Rules Regulating The Florida Bar, defining The Florida Bar's purpose.

WHEREFORE, the Petitioner prays that the Court will set a precedent for all other states in this country to follow by causing a panel to be formed, comprised of a significant majority of non-lawyer citizens who are not financially dependent upon Florida lawyers and a minority of members of The Florida Bar to study and re-write Rule 1-4.1 COMPOSITION OF BOARD OF GOVERNORS, and all other affected rules, in such a manner as to impose a non-lawyer voting majority requirement within the membership of The Board of Governors; and to order this panel to draft a rule requiring all Florida Bar members who have access to their clients' valuable

property to be bonded and insured to guarantee such property's security and to draft a rule requiring malpractice insurance with strict proof thereof to remain in good standing, with such proof to be provided annually when Bar dues are paid; and other such relief as the Court deems appropriate and proper to protect public interests and is consistent with creating a public service organization that will remain true to its purpose and to the citizens of this state; and then cause an investigation to be initiated by the Leon County Grand Jury and/or the State-Wide Grand Jury to identify parties responsible within The Florida Bar leadership and membership, including members of The Board of Governors, officers, Bar counsel and non-lawyer employees, who are responsible for the negligent enforcement or non-enforcement of the Rules Regulating The Florida Bar and the laws of this state which have resulted in public harm, so these persons may be purged from The Florida Bar and be prosecuted to the fullest extent allowed by law.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by regular U. S. Mail to John F. Harkness, Jr., The Florida Bar, 650 Apalachee Parkway, Tallahassee, FL 32399-2300, this the 1st day of September, 1994.

s/Ronald C. Eubanks
RONALD C. EUBANKS, d/b/a
Lawyer Complaint Service
3 Maples Street, N.W.
Fort Walton Beach, FL 32548
(904) 243-5899

APPENDIX B

IN THE SUPREME COURT OF FLORIDA

RONALD C. EUBANKS d/b/a
LAWYER COMPLAINT SERVICE RE:
PETITION TO AMEND RULES CASE NO.
REGULATING THE FLORIDA BAR

AMENDED
MOTION FOR ORAL ARGUMENT

COMES NOW the undersigned, Ronald C. Eubanks d/b/a Lawyer Complaint Service and, pursuant to Rule 9.320 of The Florida Rules of Appellate Procedure, respectfully makes request for oral argument in this instant case as styled hereinabove.

Petitioner further requests that, in the interest of justice, this Honorable Court expand oral argument to include sufficient time for presentation of evidence and testimony of witnesses to support the allegations set forth in the Amended Petition to Amend Rules Regulating The Florida Bar.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by regular U. S. Mail to John F. Harkness, Jr., The Florida Bar, 650 Apalachee Parkway, Tallahassee, FL 32399-2300, this the 1st day of September, 1994.

S/Ronald C. Eubanks
RONALD C. EUBANKS, d/b/a
Lawyer Complaint Service
3 Maples Street, N.W.
Fort Walton Beach, FL 32548
(904) 243-5899

APPENDIX C

SUPREME COURT OF FLORIDA

MONDAY, NOVEMBER 28, 1994

RONALD C. EUBANKS /d/b/a *
LAWYER COMPLAINT SERVICE*
RE: PETITION TO AMEND * CASE NO. 84,322
RULES REGULATING THE *
FLORIDA BAR *
****

Amended Petition to Amend Rules Regulating The Florida Bar is hereby denied.

All Citizens Petitions to Amend Rules Regulating The Florida Bar are hereby denied.

GRIMES, C.J., OVERTON, SHAW, KOGAN, HARDING, WELLS and ANSTEAD, JJ., CONCUR.

A True Copy

TEST:

Sid J. White,
Clerk Supreme Court

KBB
CC: Mr. Ronald C. Eubanks
Mr. John A. Boggs
Mr. John Harkness, Jr.

APPENDIX D

PETITION TO AMEND RULES REGULATING THE FLORIDA BAR BY CITIZENS OF THE STATE OF FLORIDA IN THE SUPREME COURT OF FLORIDA IN SUPPORT OF CASE NO. 84,322

The undersigned citizens of this State hereby petition our Supreme Court, the judicial branch of our state government, by authority of the First Amendment of the U. S. Constitution and Article I, Sections 5 and 21 of the Florida Constitution, to immediately form a special panel composed of a majority of at least 80 percent non-lawyer citizens of this state who are not financially dependent upon, or related to, Florida lawyers. Non-lawyer panelists may be randomly selected from county voter registration lists and reduced to one panelist per judicial circuit to arrive at 20 non-lawyer citizens and five lawyers may be chosen by this Court or The Florida Bar to represent the legal profession, thus creating a 25 member panel whose duty will be to create or re-write Rules Regulating The Florida Bar which will:

(1) amend Rule 1-4.1, and other affected rules, to impose an 80 percent non-lawyer voting member majority requirement within the membership of the governing body of The Florida Bar, The Florida Bar Board of Governors, so public interests may prevail over lawyers' special private interests, this being in the public's best interest;

(2) require Florida lawyers to be bonded and insured to provide security for their clients' property and that of others accessible to Florida lawyers, without such no lawyer shall practice in this state, this being in the public's best interest; and

(3) require all lawyers practicing in Florida to acquire and maintain malpractice insurance to protect

the public from lawyers' incompetence, error, and/or omission, without such no lawyer shall practice in this state, this being in the public's best interest.

Additionally, Petitioners ask this Court to cause an investigation to be initiated by the State-Wide Grand Jury to identify the parties within The Florida Bar leadership and membership responsible for public harm resulting from the past and present negligent enforcement or non-enforcement of the Rules Regulating The Florida Bar, Florida Statutes and/or constitutional rights of citizens violated by Florida Bar members, so these parties may be prosecuted and the harmed citizens may be compensated; and for such other relief as the Court deems appropriate and proper to protect public interests and to transform The Florida Bar from a member oriented private professional trade association into a public oriented public service organization that will remain true to its purpose and to the citizens of this State.

[Omitted--blank spaces for printed name, address, phone number, signature and date for citizens]

When complete, return to Ron Eubanks d/b/a Lawyer Complaint Service, 3 Maples St., NW, Fort Walton Beach, FL 32548 who will file this petition with the Court. (904) 243-5899

APPENDIX E (less exhibits)

IN THE SUPREME COURT OF FLORIDA

RONALD C. EUBANKS d/b/a
LAWYER COMPLAINT SERVICE RE:
PETITION TO AMEND RULES CASE NO. 84,322
REGULATING THE FLORIDA BAR

MOTION FOR REHEARING, CLARIFICATION
OR AMENDMENT

COMES NOW the undersigned, Ronald C. Eubanks d/b/a Lawyer Complaint Service (hereinafter referred to as the Petitioner/Movant) and files this Motion for Rehearing, Clarification or Amendment, pursuant to Rule 9.330 and states:

This court denied Petitioner/Movant's Amended Petition to Amend Rules Regulating The Florida Bar as well as all "Citizen's Petitions" to Amend Rules Regulating The Florida Bar without comment on November 28, 1994.

Argument

Justice in the United States, especially in Florida, is for sale. If one has a lot of money, one may buy justice. If one should have very little money or no money yet seeks to right a wrong, justice will most likely occur only as a freak accident. Many citizens now refuse to consider the "practice of law" as a bona fide and honorable profession, but instead, think of it as a mere "racket" that is reserved for the elite who can afford the high expense of law school to get into the state bar association. This Country's legal justice system has evolved to its present state while

under the virtual sole control of the legal profession and its members, absent significant public influence. Now, just look at what the legal profession has created for itself and the citizens who must endure it! A legal justice system that is like a hideous monster which feeds only on human misery and cash--that is what has been created. The "system" is designed and manipulated by lawyers and judges to only benefit those citizens who can afford to pay $150 to $500 per hour and to benefit the legal professionals who take their money. Attorneys' fees are so high, such as in criminal defense cases, they more resemble extortion or ransom payments than fees for professional services.

Florida's Judicial Branch of Government, which oversees our legal justice system, must be managed by the citizens it serves. A branch of our government must not be "privatized," as is Florida's Judicial Branch, to serve the special private interests of Florida lawyers/Florida Bar members instead of the best interests of its citizens. In a healthy democratic society, government exists only to serve the best interests of its citizens--not those of special interest groups. So far this Court has ignored its duty to do just that. A system of checks and balances is conspicuously absent in Florida's Judicial Branch and many Florida citizens, to whom Petitioner/Movant has spoken, openly question whether this Court controls The Florida Bar or if, in fact, The Florida Bar controls this Court.

This Court's decision, in Case Number 83,222, The Florida Bar Re: Amendments to Rules Regulating The Florida Bar, and its reaction to the statements of concerned public respondents who appeared in person

before this Court tends to imply The Florida Bar[1] is the "controller." This Court made the following comment in its order regarding the public respondents' participation in oral argument in the above mentioned case:

> ... A number of private citizens also filed petitions and appeared at oral argument in this cause. We commend those citizens who participated in these proceedings and took the time to share their concerns and frustrations with the Court. However, we find the citizens' proposals to be without merit, and thus do not approve the amendments or new rules set forth in the citizens' petitions....

Other states have started putting democracy back on track by initiating non-lawyer public majorities to influence their judicial branches of state government. One of these is California, which greatly influenced this Court to approve the Florida State Bar Association's petition in 1949 to integrate with this

---

[1] A unique, if not peculiar, creation of The Florida Supreme Court which has members who pay dues to join and continue as members, that is exempt from paying federal income taxes as well as ad valorem and other property taxes, owns real and personal property, and has been vested with the power of The Florida Supreme Court yet the citizens of this State have no power or authority to influence its direction. Also this peculiar Florida association of legal professionals owns approximately 30 million dollars in assets of which approximately 11 million is in cash and securities yet this association cannot afford to pay clients' claims in full filed with the Client's Security Fund resulting from defalcating Florida lawyers.

Court.[2] Now, California is moving to put the public interests first.

California citizens voted overwhelmingly on November 8, 1994, to approve Proposition 190 which, among other things, mandated a non-lawyer public majority to constitute the members of the California Commission on Judicial Performance. This is California's equivalent of Florida's Judicial Qualifications Commission. See Exhibit A of five pages attached.

The citizens of this State also want judicial reform and have said so in additional petitions, enclosed as Exhibit B, to accompany those petitions which were previously filed with this Court.

Petitioners' request to change Rule 1-1.4 Composition of Board of Governors and affected rules, to require Florida lawyers to carry malpractice insurance and be bonded are not unreasonable in a democratic society with a democratic government. Such requests from a tyrannical government would obviously be a waste of time. Other professions from doctors to burglary alarm installers are required by state law to carry liability or similar insurance to protect the public from harm and accident. Lawyers should not be given any special treatment or exemptions regarding their responsibilities toward the public welfare, yet they are.

Petitioner/Movant is convinced that only a Court that is completely out of touch with reality, as well as, out of touch with the citizens it serves could ignore Petitioner/Movant's previously filed petitions and his herein described motions.

---

[2] 40 So.2d 902, at 905.

WHEREFORE, Petitioner/Movant moves for a rehearing of his petition and its associated citizens petitions and given an opportunity for expanded oral argument previously requested or clarification of the denial of said petitions or an opportunity to amend said petitions.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by regular U. S. Mail to John F. Harkness, Jr., The Florida Bar, 650 Apalachee Parkway, Tallahassee, FL 32399-2300, this the 12th day of December, 1994.

S/Ronald C. Eubanks
RONALD C. EUBANKS, d/b/a
Lawyer Complaint Service
3 Maples Street, N.W.
Fort Walton Beach, FL 32548
(904) 243-5899

APPENDIX F

SUPREME COURT OF FLORIDA

MONDAY, JANUARY 30, 1995

RONALD C. EUBANKS /d/b/a *
LAWYER COMPLAINT SERVICE*
RE: PETITION TO AMEND * CASE NO. 84,322
RULES REGULATING THE *
FLORIDA BAR *
****

The Motion for Rehearing, Clarification or Amendment filed in the above cause is hereby denied.

GRIMES, C.J., OVERTON, SHAW, KOGAN, HARDING, WELLS and ANSTEAD, JJ., Concur.

A True Copy

TEST:

Sid J. White,
Clerk Supreme Court

TC
CC: Mr. Ronald C. Eubanks
Mr. John A. Boggs
Mr. John Harkness, Jr.

APPENDIX G

Rules 1-4.1 COMPOSITION OF BOARD OF GOVERNORS. The board of governors shall be the governing body of The Florida Bar. It shall have 51 members, 50 of whom shall be voting members, and shall consist of the president and the president-elect of The Florida Bar, president and president-elect (who shall vote only in the absence of the president) of the young lawyers division, 3 representatives of the members of The Florida Bar in good standing residing outside of the state of Florida, representatives elected by and from the members of The Florida Bar in good standing in each judicial circuit, and two residents of the state of Florida who are not members of The Florida Bar. There shall be one or more such circuit representatives from each judicial circuit who shall be appointed among and, elected from the judicial circuits on the basis of the number of members in good standing residing in each circuit. The formula for determining the number of additional circuit representatives apportioned to and elected from each judicial circuit and all other matters concerning election and term of office for members of the board of governors shall be prescribed in chapter 2.

APPENDIX H

Rule 1-4.2 Authority; Supervision

(a) Authority and Responsibility. The board of governors shall have the authority and responsibility to govern and administer The Florida Bar and to take such action as it may consider necessary to accomplish the purposes of The Florida Bar, subject always to the direction and supervision of The Supreme Court of Florida.

(b) Duty to Furnish Information to Court. The board of governors shall furnish to each member of the Supreme Court of Florida the following:

(1) The minutes of each meeting of the board of governors of The Florida Bar and each meeting of its executive committee except when acting in a prosecutorial role in a disciplinary or unlicensed practice of law matter.

(2) Any written report of any section, committee, or division of The Florida Bar submitted to the board of governors that is either accepted or adopted by the board.

(3) All rules, policies or procedures adopted by the board of governors under the authority granted to the board by the court.

(4) Such additional information and material as may be requested by any member of the court.

(c) Powers of the Court. The Supreme Court of Florida may at any time ratify or amend action taken by the board of governors under these rules, order that actions previously taken be rescinded, or otherwise direct the actions and activities of The Florida Bar and its board of governors.

APPENDIX I

Rule 10-2.1 Generally

Whenever used in these rules the following words or terms shall have the meaning herein set forth unless the use thereof shall clearly indicate a different meaning:

(a) Unlicensed Practice of Law. The unlicensed practice of law shall mean the practice of law, as prohibited by statute, court rule, and case law of the State of Florida. For purposes of this chapter, it shall not constitute the unlicensed practice of law for nonlawyers to engage in limited oral communications to assist a person in the completion of a legal form approved by the Supreme Court of Florida. Oral communications by nonlawyers are restricted to those communications reasonably necessary to elicit factual information to complete the form and inform the person how to file the form.

The following language shall appear on any form completed pursuant to this rule:

This form was completed with the assistance of:

Name
Address
Telephone Number

Before a nonlawyer assists a person in the completion of a form in the manner set forth in this rule, the nonlawyer shall provide the person with a copy of a disclosure. A copy of the disclosure, signed by both the nonlawyer and the person, shall be given to the person to retain and the nonlawyer shall keep a copy in the person's file. The disclosure does not act as or constitute a waiver, disclaimer, or limitation of liability. The disclosure shall contain the following provisions:

(Name) told me that he/she is not a lawyer and may not give legal advice or represent me in court.

(Name) told me that he/she may only help me fill out a form approved by the Supreme Court of Florida. (Name) may only help me by asking me question to fill in the form. (Name) may also tell me how to file the form.

(Name) told me that he/she is not an attorney and cannot tell me what my rights or remedies are or how to testify in court.

_____ I can read English

_____ I cannot read English but this notice was read to me by (Name) in (Language).

(b) Nonlawyer or Nonattorney. For purposes of this chapter, a nonlawyer or nonattorney is an individual who is not a member of The Florida Bar. This includes, but is not limited to, attorneys admitted in other jurisdictions, law students, law graduates, applicants to The Florida Bar, disbarred attorneys, and suspended attorneys during the period of suspension.

(c) This Court or the Court. This court is the court shall mean the Supreme Court of Florida.

(d) Bar Counsel. Bar counsel is a member of The Florida Bar representing The Florida Bar in any proceeding under these rules. Any unlicensed practice of law staff counsel of The Florida Bar may serve as bar counsel or assistant bar counsel in a particular case.

(e) Respondent. A respondent is a nonlawyer who is accused of engaging in the unlicensed practice of law or whose conduct is under investigation.

(f) Referee. A referee is the judge or retired judge appointed to conduct proceedings as provided under these rules.

(g) Standing Committee. The standing committee is the committee constituted according to the directives contained in these rules.

(h) Circuit Committee. A circuit committee is a local unlicensed practice of law circuit committee.

(i) UPL Staff Counsel. UPL staff counsel is an employee of The Florida Bar employed to perform such duties, as may be assigned, under the direction of the executive director. When used in this rule, the term may include assistant UPL staff counsel.

(j) UPL. UPL is the unlicensed practice of law.

(k) The Board or Board of Governors. The board or board of governors is the board of governors of The Florida Bar.

APPENDIX J

Friday, December 3, 1993 Daily News Page 3B

Legal Technician Acquitted of Unlicensed Law Practicing

PENSACOLA (AP) - A legal technician accused of practicing law without a license in federal bankruptcy court has been acquitted of criminal contempt.

U.S. District Judge Roger Vinson found Ron Eubanks of Fort Walton Beach innocent after a hearing Wednesday.

"I can't be more content," Eubanks said Thursday.

Eubanks operates Able Legal Document Service and the Lawyer Complaint Service, assisting people who believe they have been cheated by attorneys file complaints against with the Florida Bar.

Bankruptcy Judge Lewis M. Killian Jr. had accused Eubanks of practicing law without a license because he helped a couple with their motion to disgorge unreasonable compensation allegedly received by a lawyer who handled their bankruptcy case.

The couple contended the bankruptcy should never have been filed and accused the lawyer of giving them bad advice and mishandling the case.

At an earlier hearing, Vinson said he was not so much concerned with the allegation of unlicensed practice of law, a matter usually handled by state bar associations, as he was with Eubanks' failure to appear at a hearing before Killian on the matter.

Eubanks said he had submitted a written statement contending Killian had no jurisdiction over unlicensed practice of law complaints and, therefore,

believed he did need not go to the hearing.

Vinson found Eubanks innocent after Assistant U.S. Public Defender Thomas Keith argued the appearance violation was not willful. The judge previously had announced he would not sentence Eubanks to more that six months in jail if he found him guilty.

Although Eubanks is not indigent, Vinson ordered the public defender's office to represent him because of difficulty he was having in hiring a private attorney. Eubanks said a couple lawyers demanded exorbitant fees while others did not return his phone calls.

APPENDIX K

ABLE LEGAL DOCUMENT SERVICE
3 Maples Street, N.W.
Ft. Walton Beach, Florida 32548
(904)244-2230; (904)785-4060 Panama City;
(904)222-2230 Tallahassee
"YOUR NON-LAWYER ALTERNATIVE"
Rev. 1/95

CUSTOMER AGREEMENT

1. Name(s): _____

2. Address: _____ City/State/Zip _____

3. Telephone No.: Work _____ Home _____

4. Mark service requested: [ ] Simplified Dissolution of Marriage; [ ] Regular Dissolution of Marriage; [ ] Stepparent/Third-Degree Adoption; [ ] Will; [ ] Power of Attorney; [ ] Name Change or _____.

5. How did you hear about us? _____.

I/We, the undersigned customer(s), understand and accept that Able Legal Document Service IS NOT A LAW FIRM, and its employees ARE NOT ATTORNEYS. I/We seek their assistance as a reasonable alternative to a Florida lawyer so I/we may gain access to our court system. I/we cannot afford to pay and/or we do not want to pay the outrageous fees charged by Florida lawyers which obstructs access to the court system. I/We also understand and accept that Able Legal Document Service is operating under the authority of Civil Rights specifically granted by the First, Fifth and Fourteenth Amendments to the U.S. Constitution, as well as U.S. Supreme Court case

law. I/We have made the decision to act as my/our own attorney(s), to represent myself/ourselves in court, if necessary, and to make all legal decisions and choices concerning this matter. If, at any time, I/we require more legal knowledge or expertise than I/we now possess, I/we agree to research the subject at the local law library, purchase a self-help law book on the subject or seek the advice and assistance of a competent attorney before proceeding.

I/We will assume full responsibility for the consequences of my/our decisions and actions regarding this matter. I/We will hold harmless Able Legal Document Service, its owner(s)/officer(s), and its employees from any and all damages and/or losses which may arise now or in the future concerning this transaction; and liability, if any, will be limited to the amount paid for document preparation or $150.00, whichever is greater.

Able Legal Document Service will refund to the customer amounts received, less a $20.00 service charge, for document preparation if the documents have not been prepared and if a written refund request, accompanied by the Customer's receipt, is received by Able Legal Document Service within 90 days from the date the Customer Agreement was signed, and upon the return of the questionnaires. After such time, NO REFUNDS will be made, but the customer will receive a credit for future services/purchases in the amount paid to Able Legal Document Service, less the $20.00 service charge.

With the above in mind, I/we hereby employ Able Legal Document Service on this date and agree to pay the amount of $_____, which EXCLUDES court costs/filing fees or other related costs, to prepare the required legal documents needed

for the above described uncontested matter and to enter upon the legal documents my/our personal information which I/we have provided or will provide, in my/our own hand. Court costs, if uncontested, are estimated to be $_____ in _____ County. I/we will personally proofread the completed documents to ensure their accuracy and correctness before filing and/or recording them. I/we also agree to pay all court costs and other related costs such as filing fees, recording fees, service of process, publication of legal notices or any other costs or fees that should arise. I/We will file all documents unless I/we otherwise indicate below.

MARK THE FOLLOWING WITH AN "X", IF APPLICABLE:

☐ As a convenience, I/we request that Able Legal Document Service deliver, at no extra charge, the completed document(s) to the appropriate court or agency and, if applicable, mail documents via regular U.S. mail to appropriate parties for their signature. I/We will provide a check or money order payable to the appropriate court or agency to cover the filing fees, court costs, etc. Able Legal Document Service <u>does not</u> record deeds, mortgages, mechanics liens, notes, nor do we file <u>simplified</u> dissolutions.

☐ I, the undersigned First Party, can read and understand the English language.

☐ I, the undersigned Second Party, can read and understand the English language.

DATED this _____ day of _____, 199___.

ABLE LEGAL DOCUMENT SERVICE
ACCEPTED BY:

_____

x_____
Customer's Signature (First Party)

x_____
Customer's Signature (Second Party)

APPENDIX L

LAWRENCE P. BUSH
ATTORNEY AT LAW
150 EGLIN PARKWAY, NE
FORT WALTON BEACH, FLORIDA 32548

Telephone: (904) 243-1512
Telecopier: (904) 244-2304

Post Office Box 971
Fort Walton Beach, FL
32549

March 18, 1994

THE FLORIDA BAR
650 APALACHEE PARKWAY
TALLAHASSEE, FLORIDA 32399-2300

ATTN: Committee on Non-Lawyer Practice

Dear Sir/Madam:

Enclosed are copies of pleadings which were served on my client, Ronnie Truett. Upon information and belief these pleadings were prepared by one Ron Eubanks (see Notary's acknowledgment of signatures on pleadings).

Mr. Eubanks is the principal behind a business entity known as Able Legal Documents, which advertises regularly in the Okaloosa county, Florida print media.

I am personally convinced to the exclusion of any reasonable doubt that Mr. Eubanks is engaging in the unlicensed practice of law. I wish there was some way he could be put out of business.

Please comment.

Sincerely,

Lawrence P. Bush
LPB:dks
cc: Melanie Seymour, Incoming President
Okaloosa-Walton Bar Association

APPENDIX M

Lawyer Complaint Service
3 Maples Street, N.W.
Fort Walton Beach, FL 32548
(904) 243-5899
"Call Us Before You Hire A Florida Lawyer"

September 6, 1994

Honorable Supreme Court Justices
The Florida Supreme Court
Supreme Court Building
Tallahassee, FL 32399

Dear Sirs:

On August 30, 1994, at approximately 8:40 a.m. EDT, I filed a Petition to Amend the Rules Regulating The Florida Bar and on September 1, 1994, I filed an Amended Petition to Amend the Rules Regulating The Florida Bar. These petitions were filed for the primary purpose of informing the Court that its own administrative arm is not only failing to fulfill its "purpose," which this Court has clearly defined, but is engaged in activities that constitute racketeering, and are causing state-wide public harm. The secondary purpose was to propose a means for the citizens of this state to harness and redirect the energies of the "rabid beast," more commonly known as The Florida Bar, that was unleashed forty-four years ago upon the citizens of this state.

One would think that this Court would want to immediately investigate such allegations. Yet, this Court's clerk, Mr. Sid White, has refused to assign a case number which would officially acknowledge my petitions are an issue before the Court. He told me, on Friday, September 2nd, that, "The full Court has it and is trying to decide what to do." Later in the day, I telephoned and asked one of the Court's deputy clerk's how long it takes to assign a case number when a case is filed, she said, "Right away, just a couple of minutes." Since the Clerk of the Supreme Court is appointed by the Court and serves at its pleasure, was Mr. White concerned that he would displease the Court if he "opened a file" for my pleadings without first consulting with the Court? Seven days have passed since my first filing, and I still do not have a case number!

Has Florida's highest Court balked because of the controversial nature and clamor-creating subject of my petitions? Is this Court stonewalling because these pleadings may ultimately cause Florida lawyers to lose control of their private professional trade association, once the clamor begins, to the non-lawyer citizens of this state, the very persons who should have control? Florida lawyers' monopoly and control of Florida's legal justice system are clearly at stake here. Since Florida Supreme Court Justices are members of The Florida Bar, as they currently must be, and also former lawyers, are partisan interests influencing this Court? Canon 2A of the Code of Judicial Conduct states, "A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." Canon

3A(1) states, "A judge should be faithful to the law and maintain professional competence in it. He should be unswayed by partisan interests, public clamor, or fear of criticism." Are these meaningless words that were written only to idly occupy page space in a book? The Court's duty to the citizens of this state is quite clear and requires no secret, closed door, back room discussion, in which this Court appears to be engaged.

Lawyer jokes do not proliferate because lawyers are particularly laughable characters. They proliferate only because the legal profession has, itself, become a joke and very laughable after losing the respect of the public. No profession, be it plumbing, brick laying, accounting, engineering or lawyering, can objectively and properly regulate, discipline, rule, or adjudge itself and its membership. Human nature or plain and simple greed always gets in the way whenever such attempts are made. For example, how many other professions have a need for fee arbitration to settle fee disputes between clients and the professional service provider except the legal profession? None come to mind. It is quite clear that lawyers overcharge for their services, hence the need for fee arbitration.

This delay, or outright refusal, by the Court to officially acknowledge the existence of my filed petitions may be construed, at best, as a violation of my constitutional rights to petition the government for a redress of grievances and, at worst, as a perfidious indicator this Court is a party to, and had prior knowledge of, The Florida Bar's illegal activity and is,

therefore, attempting to suppress and/or cover-up this very serious, "thorny" revelation.

As I stated in my short address to the Court on Tuesday, August 30, 1994: "The response of this Court to my petition should reveal whether this Court is part of the problem or will become a part of the solution regarding the declining integrity of Florida's legal system, which seems to be controlled by The Florida Bar and its members." The response of this Court to my filed pleadings, as of this date, is most troubling and raises some very serious questions.

This Court has an opportunity to right a forty-four year old wrong. Will this Court side with fellow lawyers and their special interests or will this Court side with the citizens of this state, for whom our state government exists to serve, and their special interests?

Cordially yours,

S/Ronald C. Eubanks

Ronald C. Eubanks
d/b/a Lawyer Complaint Service
cc: News Media

APPENDIX N

LAWYER REGULATION FILING ALLOWED BY HIGH COURT

TALLAHASSEE (AP) -- The Florida Supreme court allowed a legal technician Wednesday to submit a request for a change in Florida Bar rules that would make a far-reaching change in the way lawyers are regularly.

Ronald Eubanks of Fort Walton Beach wants non-lawyers to have a majority membership on the bar's Board of Governors, Only two non-lawyers are allowed to serve on the 51-member panel.

"It puts the public in charge of the Florida Bar," Eubanks said in a telephone interview. "Then we will have a legal system run by the people instead of the lawyers."

The justices agreed to accept the filing although court rules require that such proposed changes be submitted by the Board of Governors or at least 50 lawyers, said Supreme Court Clerk Sid White.

Eubanks operates a legal form sales business and runs what he calls the Lawyer Complaint Service to help clients who believe they have been wronged by attorneys.

He submitted his petition last week, but White refused to give it a case number until the full court could review the situation in light of its rule limiting who can file requests for rules changes.

Bar Lawyer Regulation Director John Anthony Boggs said the proposal would be submitted to the executive committee or full Board of Governors, which next meets late this month in Miami, to determine how to respond.

"We don't pretend to be the sole source of ideas, Boggs said.

Eubanks, a frequent critic of lawyers, wrote in his petition that the bar has failed to properly discipline dishonest and unethical attorneys.

"The Florida Bar has allowed the practice of law to evolve into what most resembles a 'racket' instead of an honorable profession," Eubanks wrote. "The Florida Bar tolerates many such Florida attorneys, transforming a license to practice law in Florida into a license to lie, cheat and steal with impunity."

APPENDIX O

AFFIDAVIT OF WITNESS

I, the undersigned, Charles A. Shannon, hereby certify that the following statements are true to the best of my knowledge concerning the services rendered to me by Daniel E. Schramek, d/b/a The L.A.W. Clinic, Inc. in the matter of my motion for modification of final judgment requesting a change in child support payments, change in visitations, and discharging of court recorded delinquent child support payments.

1. On or about June 13, 1989, I contracted with Daniel E. Schramek, d/b/a The L.A.W. Clinic, Inc. (acting as an independent paralegal) to prepare a Motion for Modification of Final Judgment of Dissolution of Marriage for $75.00. My primary interests were to correct the records of the Clerk's Office which reflected a $1,500.00 delinquency in child support for the previous three (3) years and to order my ex-wife to comply with the stipulation agreement concerning child visitations. Mr. Schramek stated that it was unlikely that I would receive a reduction in child support payments in concurrence with the legal advice which I had received from at least three (3) attorneys.

2. On or about September 12, 1989, the court heard my motion and ordered the Clerk's Office to amend its records reflecting the delinquent child support payments and to correct it's records on the dates which payments were to be received; the Court reminded my ex-wife to comply with the visitations under the Stipulation Agreement; and the court denied a reduction in child support payments.

3. My goal of discharging the delinquent $1,500.00 in child support payments and clearing the

records in the Clerk's Office was met as a result of my filing the motion that Mr. Schramek prepared for me; and my goal of getting my wife to comply with the child visitation requirements of our stipulation agreement was also met.

4. On or about May, 1992, I was approached by the attorneys representing the Florida Bar to sign a document concerning the services provided to me by Mr. Schramek and I refused to sign that document, because I felt that the document contained statements that were misleading and false against Mr. Schramek, because Mr. Schramek had not harmed me in any way and to the contrary had helped me significantly. The Florida Bar subsequently sent an investigator to talk to me at my residence and made inferences that unless I signed that document, that I would probably be called in for a deposition or subpoenaed to testify during the trial which may have interfered with my honeymoon.

5. Mr. Schramek did help me and I was satisfied with his services.

WHEREAS, my goals were met as a result of Mr. Schramek's assistance in preparing my motion for modification; and

WHEREAS, my cost of $75.00 for Mr. Schramek's service and the cost of $100.00 for one-third (1/3) of my ex-wife's attorney's fee for her response was reasonable and not excessive for the services rendered.

WHEREFORE, I was definitely satisfied with the services rendered by daniel E. Schramek d/b/a The L.A.W. Clinic, Inc.; I believe the costs associated with the service Mr. Schramek provided including the cost associated with my ex-wife's attorney was reasonable compared to what the three (3) attorney's were going

to charge me, if I had retained their services; and I was satisfied with the results of the court order issued, based on my motion for modification; and I would recommend Mr. Schramek and his services to anyone, especially those who could not afford the fees charged by licensed attorneys.

Charles A. Shannon
CHARLES A. SHANNON
5815 31st Avenue North
St. Petersburg, Florida 33710
Florida Drivers License #S550-141-58-056-0
exp 97

STATE OF FLORIDA]
COUNTY OF PINELLAS]

The foregoing affidavit of witness was acknowledged before me this 30th day of July, 1993, by Charles A. Shannon, the above described affiant,w ho is personally known to me or who has produced a driver's license, Florida Drivers License #S550-141-58-056-0, or other similar ID, as identification and who did take an oath.

S/ Connie Jo Montz
Notary Public (Connie Jo Montz)
Commission No: AA-741728
seal

Title of Document: AFFIDAVIT OF WITNESS
Number of Pages: Four (4)
Date of Document: 7 / 30 / 93
Other Signers: None

APPENDIX P

IN THE CIRCUIT COURT IN AND FOR OKALOOSA COUNTY, FLORIDA

AMENDMENT TO ADMINISTRATIVE DIRECTIVE 95-2

IN RE: SCHEDULING OF HEARINGS FOR PRO SE LITIGANTS

WHEREAS, the procedure for scheduling hearings for pro se litigants should service the needs of the public choosing to represent themselves in domestic litigation while also adhering to the legal prohibition against judicial staff and the Clerk's Office providing legal advise, it is therefore,

ORDERED AND ADJUDGED:

1. EFFECTIVE DATE. This procedure shall be effective immediately.

2. SCHEDULING OF HEARINGS FOR PRO SE LITIGANTS. Hearings--final, enforcement and modification--for pro se litigants shall be schedule pursuant to the following procedure:

a. All hearings for which both parties are representing themselves, or for which the pro se petitioner is proceeding by default, shall be coordinated and scheduled by the Pro Se Coordinator for Okaloosa County, Florida.

b. All required documents must be filed with the Office of the Clerk of the Circuit Court, Civil Division, before any hearing may be scheduled, except as addressed in paragraph 2(c).

c. Any motion for enforcement must be filed with the Office of the Clerk of Court, Circuit Civil Division, at least five (5) days before the scheduled hearing.

d. The pro se litigant may schedule a hearing by calling the Pro Se Coordinator at 833-1240 (or 1-800-434-0153).

3. All pro se litigants who have been assisted by a nonlawyer in the preparation of their pleadings or documents must comply with the following procedure:

a. The following language shall appear on any form completed by a nonlawyer:

This form was completed with the assistance of:

Name
Address
Telephone Number

b. Before a nonlawyer assists a person in the completion of a form, the nonlawyer shall provide the person with a copy of a disclosure. A copy of the disclosure signed by both the nonlawyer and pro se litigant shall be given to the litigant, with the nonlawyer keeping a copy in the person's file. The disclosure does not act as or constitute a waiver, disclaimer or limitation of liability. The original disclosure statement must be filed with the Clerk of the Court and shall contain the following provisions:

(Name) told me that he/she is not a lawyer and may not give legal advise or represent me in court.

(Name) told me that he/she may only help me fill out a form approved by the Supreme Court of Florida.

(Name) may only help me by asking me question to fill in the form.

(Name) told me that he/she is not an attorney and cannot tell me what my rights or remedies are or how to testify in court.

_____ I can read English
_____ I cannot read English but this notice was

read to me by _____ in _____ (language).

c. The Clerk of Court shall not accept pleadings filed by a pro se litigant for filing and docketing until all pleadings conform to the requirements of the procedure as outlined above.

DONE AND ORDERED in Shalimar, Okaloosa County, Florida this 27th day of April, 1995.

s/ Jere Tolton
JERE TOLTON
ADMINISTRATIVE JUDGE

Copies to:
The Honorable John P. Kuder, Chief Judge, First Judicial Circuit
The Honorable John T. Parnham, Administrative Judge, Family Law Division
Circuit Judges, Okaloosa County
Clerk of Court, Okaloosa County
Wayne Peacock, Court Administrator
Pro Se Coordinator, Okaloosa County

APPENDIX Q

Able Legal Document Service
3 Maples Street, N.W.
Fort Walton Beach, Florida 32548
(904) 244-2230; 785-4060 Panama City
(904) 222-2230 Tallahassee
"YOUR NON-LAWYER ALTERNATIVE"

DISCLOSURE OF NON-LAWYER ASSISTANCE

(a) I, the undersigned customer of Able Legal Document Service, thoroughly understand and accept the fact that Able Legal Document Service IS NOT A LAW FIRM and its employees and representatives ARE NOT ATTORNEYS, therefore, the employees and representatives of Able Legal Document Service may not give me legal advice as an attorney or represent me in court.

(b) I, the customer, cannot afford the exorbitant, unconscionable fees charged by Florida lawyers and such fees are an obstruction to my gaining access to the court system. I seek assistance from Able Legal Document Service in this matter for this reason and because I do not possess the required knowledge to correctly prepare my legal documents. I consider said business to be a reasonable alternative for such assistance in accordance with the U.S. Supreme Court decision in Johnson v. Avery, 393 U.S. 483 (1969).

(c) I, the customer, hereby assert my First, Fifth and Fourteenth Amendment rights which include my right to access the court system unhindered by arbitrary, capricious and unconstitutional rules, regulations and other impositions dictated by

government officials who discriminate against, and treat differently, those citizens who cannot afford a Florida lawyer and are, therefore, not represented by a member of The Florida Bar Association. Johnson v. Avery, supra.

Check one:

☐ I can read and understand English.

☐ I cannot read and understand English but the foregoing was read to me in a language I can fully understand.

DATED this _____ day of _____, 199__.

X_____
Customer's Signature
Print Name:_____

X_____
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APPENDIX R

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 92-12432

JOHN B. THOMPSON,

Plaintiff,

vs. COMPLAINT

THE FLORIDA BAR,

Defendant.
_____/

Plaintiff, John B. "Jack" Thompson, hereinafter "Thompson," files this complaint against The Florida Bar, hereinafter "The Bar," and prays this court for both legal and equitable relief:

FACTS COMMON TO ALL COUNTS

1. This is a claim for injunctive and declaratory relief.

2. Thompson is more than eighteen years of age, is a resident of Dade County, and is licensed to practice law in and by the State of Florida.

3. The Bar is the "official arm" of the Florida Supreme Court, with offices in Dade County, Florida, in which county many of the actions complained of herein transpired and are presently occurring.

4. Dade County is both the proper and the most convenient venue for this cause.

5. Circuit courts have subject matter jurisdiction over the claims stated herein, pursuant to Florida Statutes 26.012 and 86.011 and pursuant to this court's inherent power.

6. In August, 1987, Thompson registered complaints with federal and state governmental authorities regarding the indecent broadcasts of Miami radio "shock jock" Neil Rogers.

7. Neil Rogers, his attorneys, and his employers eventually responded by filing numerous lawsuits against Thompson to deter him from pursuing his remedies against Rogers. These lawsuits were classic "SLAPP" suites (Strategic Lawsuits Against Public Participation). (See Exhibit A hereto, an editorial from the May 29, 1992, The Miami Herald. Thompson is taking the Herald's specific advice to "SLAPP back" by filing this suit.) In conjunction with the filing of these "SLAPP" lawsuits, these radio pornographers filed numerous baseless Bar grievances with The Bar not for the legitimate purpose of protecting the public from an unethical attorney but rather as a collateral strategy to protect their own criminal activities from exposure by Thompson and punishment by the United States and Florida governments.

8. On September 25, 1989, the FCC, in response to Thompson's formal complaints, levied its first "decency" fines in the history of this nation--against the radio stations on which Neil Rogers had criminally broadcast his indecent material.

9. Upon Thompson's total vindication by the United States government, all of the "SLAPP" suites filed by the radio pornographers were dismissed with prejudice.

10. The Florida Bar, however, in its proclaimed "Year of the Child," decided to pursue, for its own illegitimate reasons, the radio pornographers' SLAPP grievances against Thompson, including a new grievance of its own: An official attempt to declare Thompson "mentally incapacitated" because of his "obsessive" actions against pornographers upon the urging of former Florida ACLU Chairman and Dade County Circuit Court Judge Richard Yale Feder.

11. The Bar prosecuted the bizarre "mental incapacity" complaint and is now prosecuting the complaints not for the purpose of disciplining an unethical attorney but for the illegal, unconstitutional purpose of chilling Thompson's First Amendment rights of speech, religion, and petitioning the government for a redress of grievances.

12. At no time whatsoever was Thompson acting as an attorney on behalf of any party. He was acting as a private citizen.

13. The Bar's motivations in enforcing this "political correctness" against Thompson were numerous, including but not limited to the following:

a. The presence of financial contributors and supporters of Thompson's political opponent, Dade County State Attorney janet Reno, on the Board of Governors of The Bar and on his Grievance Committee 11-C. Thompson, the 1988 nominee of the Republican Party for the office of Dade State Attorney, had exposed Reno to be a closeted lesbian blackmailed by the aforementioned radio pornographers.

b. The refusal of Thompson to "go quietly" in the face of The Bar's attempt to patholgize, literally, his Christian activism. Specifically, when Bar President James Fox Miller witnessed Thompson's

discussion of The Bar's "mental incapacity" grievance, which issue was raised by 2 Live Crew's Luther Campbell during the national broadcast of Donahue, Miller, in a rage, confided to an attorney whom Miller did not know was a friend of Thompson that The Bar would get Thompson as a payback.

c. The inherent liberal bias of The Bar against conservative political activism and in support of radical left activism, as evidenced by, among other things, the funding of leftwing organizations with The Bar's IOTA funds.

d. The cozy business relationship The Bar enjoys with, among others, Professor Bruce Rogow, 2 Live Crew's ACLU attorney whom Thompson had bested in federal litigation involving 2 Live Crew, and Terry Bienstock, counsel for Neil Rogers' radio employer.

14. The Bar has effected its regulatory SLAPP-happy pursuit of Thompson by denying him, every step of the way, substantive and procedural due process protections, guaranteed him by the state and federal constitutions, throughout its three-and-one-half-year pursuit of him. The state and federal due process deprivations have included:

a. Refusal to allow Thompson an opportunity to attend his own grievance proceedings;

b. Denial of Thompson's right to have counsel present thereat;

c. Denial of Thompson's right to subpoena witnesses and engage in other discovery prior to a probable cause determination;

d. Fraudulent alteration of evidentiary documents;

e. Denial of Thompson's right to engage in discovery after the probable cause determination prior

to trial by the referee;

f. Selection of Thompson's referee by Florida Chief Justice Lander Shaw after Shaw recused himself from matters pertaining to Thompson. The selection was not made blindly and at random. The referee now refuses to disclose his curriculum vitae to the parties in order that Thompson might be apprised of the referee's affiliations and biases in patent denial of Thompson's right to a fair and impartial trier of fact;

g. Other due process and constitutional rights deprivations too numerous to mention herein, which continue presently as The Bar proceeds, with all speed, with its ongoing "disciplinary" proceedings against Thompson which have nothing to do with discipline. The Bar Rules which Thompson has allegedly violated are so vague and overly broad as to be unconstitutional on their face, in addition to be applied unfairly and unequally to Thompson.

h. Refusal to print Thompson's letters to The Florida Bar Journal and The Florida Bar News intended to alert members of The Bar who might be sympathetic to his plight.

15. The Bar has been effectual in sustaining its assault upon Thompson because its "disciplinary" machinery, at all of its operable levels, weds the legislative, executive, and judicial functions into one entity--itself--in clear violation of the "separation of powers" doctrine of the state and federal constitutions. The Florida Supreme Court, and its "official arm," The Florida Bar, legislate their own rules (legislative function), investigate and prosecute alleged rule violations (executive), and act as trier of fact and judicial reviewer of itself (judicial).

16. In an attempt to seek a remedy for The Bar's sustained assault upon him, Thompson filed a

federal civil rights action against The Florida Bar. The case was dismissed with prejudice by the U.S. District Court solely on federal "abstention" grounds after The Bar fraudulently assured the federal court that Thompson would be allowed to litigate his defenses in the state regulatory setting, which material promise was broken by The Bar in the stateside "disciplinary" proceedings. Many of the actions complained of herein, however, have occurred after the federal court's dismissal and constitute a basis for new causes of action. The federal court never addressed the merits of Thompson's claims in any fashion whatsoever.

17. The Bar has, on its own initiative, brought other baseless grievances against Thompson recently, all but one of which have been dismissed for lack of probable cause because of Thompson's litigative efforts, not because of any reasonableness or fairness on the part of The Bar. One such grievance was instigated by a leftwing, pro-homosexuality organization known as Switchboard of Miami, upon whose Board of Trustees sits Dade County State Attorney Janet Reno, thereby further underscoring the degree to which The Bar's "disciplinary" machinery has been used by Reno and others to destroy Reno's political opponent, Thompson.

18. As a result of all of these maliciously filed grievances, The Bar has cost Thompson and continues to cost him considerable time, energy, money, including attorneys' fees, and mental and emotional anguish. All of these grievances were solely the pursuit of a vendetta by The Florid Bar against Thompson. Further, The Bar's purposeful use of Star Chamber methods to destroy Thompson's legal career has been expressive of its maniacal intolerance of

Thompson's activist Christian religion and conservative political speech and conduct. The Bar's disciplinary actions were baselessly brought and/or pursued with malice--actual, constructive, and/or implied.

19. One of the most extraordinary ploys by The Bar has been The Bar's recent grievance filed against Thompson when he came forward, upon advice of counsel, with allegations of an employee of Bar Governor Stuart Grossman that Grossman had engaged in certain criminal conduct aimed at Thompson.

20. The Bar is persisting in this baseless grievance despite Thompson's passing, with flying colors, a polygraph exam, and Thompson's production of two witnesses, one of whom is a lawyer licensed by the State of Florida, corroborating his story about Grossman's criminal conduct. This grievance, which The Bar knows is baseless and which has been brought solely to pursue its vendetta against Thompson, has resulted in national media coverage of Thompson and his portrayal, by The Bar, as an unethical, lying, attorney. Exhibit B attached hereto is a letter of encouragement from a Christian who has seen through the charade.

21. Thus, The Bar, in its three-and-one-half-year pursuit of Thompson, has a) applied unconstitutionally vague and overbroad Bar rules, b) legislated, enforced, and judicially-interpreted by the same regulatory entity, c) in an arbitrary, unfair, unequal, fraudulent fashion, d) against a citizen, not acting as a lawyer, e) for improper motives, f) not to protect the public, but rather to protect the illegal activity Thompson has exposed as engaged in by pornographers, Dade State Attorney Janet Reno, and

Bar Governor Stuart Grossman, g) by means of his constitutionally-protected speech, exercise of religion, and his petitions to the government for a redress of grievances.

INJUNCTIVE RELIEF

22. Plaintiff reasserts and realleges paragraph 1-21 and incorporates them herein.

23. Plaintiff seeks a preliminary, temporary, and/or permanent injunction of all pending Bar proceedings against him pursuant to the United States Constitution's First Amendment (speech, press, religion) and Fourteenth Amendment (due process, both substantive and procedural); pursuant to 42 U.S.C. Section 1983, which provides equitable remedies for violations thereof enforceable in state court; pursuant to Article I, Section 2 of the Constitution of the State of Florida (equal protection); pursuant to Article I, Section 3 of the Constitution of the State of Florida (religion); pursuant to Article I, Section 4 of the Constitution of the State of Florida (speech, press); pursuant to Article I, Section 5 of the Florida Constitution (petition government); and pursuant to Article I, Section 9 of the Florida Constitution (due process).

24. Plaintiff has no plain, adequate, or complete remedy at law to redress the wrongs herein alleged and which are ongoing in nature. Plaintiff is now suffering and will continue to suffer irreparable injury from Defendant's acts, policies, and practices unless Thompson is granted the equitable relief prayed for herein.

DECLARATORY RELIEF

25. Paragraphs 1-21 are incorporated herein.

26. The aforementioned wedding of all three functions of government (legislative, executive, and

judicial) into The Florida Bar, the "official arm" of the Florida Supreme Court, is violative of the bedrock constitutional requirement of the separation of powers and the "checks and balances" which that separation guarantees.

27. The powerlessness of Thompson in the face of The Bar's ongoing tortious, unconstitutional Star Chamber conduct stems from this unconstitutional regulatory scheme.

28. But The Florida Bar is not above the United States Constitution and its overarching separation of powers doctrine, which applies to the states through the Fourteenth Amendment.

WHEREFORE, Plaintiff prays this Court to declare The Florida Bar, in its current form and operation, unconstitutional.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all issues so triable.

S/John B. Thompson
John B. Thompson, Attorney, Pro Se
Plaintiff
P.O. Box 73
Coral Gables, Florida 33114
(305) 666-4366

APPENDIX S

Article V Judiciary

Section. 2. Administration; practice and procedure.

(a) The supreme court shall adopt rules for the practice and procedure in all courts including the time for seeking appellate review, the administrative supervision of all courts, the transfer to the court having jurisdiction of any proceeding when the jurisdiction of another court has been improvidently invoked, and a requirement that no cause shall be dismissed because an improper remedy has been sought. These rules may be repealed by general law enacted by two-thirds vote of the membership of each house of the legislature.

APPENDIX T

OATH OF ADMISSION TO THE FLORIDA BAR

The general principles which should ever control the lawyer in the practice of the legal profession are clearly set forth in the following oath of admission to the Bar, which the lawyer is sworn on admission to obey and for the willful violation to which disbarment may be had.

"I do solemnly swear:

"I will support the Constitution of the United States and the Constitution of the State of Florida;

"I will maintain the respect due to courts of justice and judicial officers;

"I will not counsel or maintain any suit or proceedings which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;

"I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law.

"I will maintain the confidence and preserve inviolate the secrets of my clients, and will accept no compensation in connection with their business except from them or with their knowledge and approval;

"I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

"I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay anyone's cause for lucre or malice. So help me God."

APPENDIX U

The Florida
Seal
Bar

The Florida Bar
650 Apalachee Parkway
Tallahassee, FL 32399-2300
John F. Harkness, Jr 904/561-5600
Executive Director

August 25, 1994

Mr. Ron Eubanks
Post Office Box 4505
Fort Walton Beach, Florida 32549

Dear Ron:

The following is a description of how member status reporting has evolved over the last several years.

Members Status Reporting

The Bar has three separate departments performing functions related to an attorney's ability to practice law:

1) lawyer regulation handles disciplinary matter for professional conduct;

2) member records handles members obligations to pay licensing fees; and

3) CLER handles members obligations to meet minimum continuing legal education requirements

(CLER) and the basic skills requirement (BSCR). Hereafter, CLER should be construed to include BSCR reporting.

In development of the systems to support these functions, decisions were made (not necessarily in concert with each other) that:

1) discipline history inquiry was to be reported by lawyer regulation because of the complexity of the confidentiality issues. Because of the relative importance of disciplinary action, the database was designed to hold history permanently.

2) in the membership records area, because of the predominate nature of most calls received (Is John Doe licensed to practice law?) and the volume of temporary noneligibility to practice because of fee delinquency, it was decided not to maintain history of when someone was not eligible to practice because of nonpayment, but to only report their current status. It has been very rare when inquiries have been received regarding whether anyone was ever not eligible to practice because of nonpayment of fees. In addition, the courts have ruled that temporary nonpayment of fees does not invalidate the legality of proceedings the attorney participated in while delinquent.

3) CLER reporting was designed to be handled on a current status basis the same as records reporting on the fee paying status for similar reasons.

Initial screens for use in member records indicated the following status:

0) Incapacity (not related to discipline);
1) MIG (member in good standing);
2) delinquent;
3) deceased;
4) suspended;
5) disbarred;
6) resigned;
7) retired;
8) lapsed (nonpayment of fees over 5 years); and
9) inactive (pays $140 fees).

For details on status 4, 5 or 6, or for inquiries if someone had a complaint filed against them, the callers were referred to lawyer regulation. Initially, CLER status inquires were referred to the CLER department.

Currently, the general inquiry screen has ten possible numeric codes, all used. Reporting of the separate CLER status utilizing the general status area presented a number of technical problems, so a separate reporting of the CLER status was decided. The CLER department also was given a separate screen that reported CLER status. This proved cumbersome, so the CLER status was added to the general membership inquiry screen, but not the lawyer regulation inquiry screen.

Before the advent of CLER, a member was either of MIG (had paid fees), delinquent, deceased, disbarred, resigned, retired, lapsed, inactive or incapacitated. The creation of a CLER status meant that you could have one of those status and still be either CLER current or delinquent. Then rather than 10 available

categories, it became 10 or 20 available combinations. Staff was instructed to report the status code (0-9) and the CLER status. It is certainly possible that someone might overlook the CLER status.

Up to that time, lawyer regulation screens reflected only discipline and fee payment status. When questions were raised about the ease and accuracy of reporting CLER status, all membership status reporting screens were modified to include the CLER noncompliance status. Depending upon layout of the particular screen it appeared in slightly different places but close to the other status field.

Another potentially confusing condition exists in the wording of different sections of the rule regarding noncompliance with CLER. The status of being "suspended" has historically been applied to a disciplinary action. Delinquent is an administrative classification.

Rule 6-10.15 states that failure to complete and report the proper CLER hours results in delinquency. However, rule 1-3.4 refers to suspending a member for failure to comply with CLER requirements and deeming such members to be delinquent. This particular section might lead a cursory reader to conclude that noncompliance with CLER means a member is "suspended" while a complete reading of the rule clearly identifies the status of such a person as delinquent.

Continued correspondence from you indicated we were still not giving completely accurate responses. Status descriptions were then changed so the numeric

code appeared and if the members was CLER delinquent the word "delinquent" appeared next to the member status "1" rather than "MIG", in addition to "Delinquent-CLER" in the CLER status area.

All screen layouts of 0-9 and CLER status were also made uniform.

These changes have significantly reduced the possibility of incorrect reporting. The only "specialized" status information is discipline history. All other current status data is on all screens, now including discipline screens, in such a manner that it is difficult to conceive how an inaccurate report may be made.

None of these modifications address permanent maintenance of administrative actions affecting the ability to practice. The reasons for maintaining current status reporting capability in lieu of a historical capacity continue and we have n expectations of changing. Inquiries for such information must be handled on a case-by-case basis and should bear an appropriate research fee.

Thank you for your interest and comments. Our reporting system is definitely improved as a result.

Sincerely,

S/G. Dan Bennett

G. Dan Bennett

GDB/kpm

cc: John F. Harkness, Jr.
John T. Berry
John A. Boggs
Mary Ellen Bateman
George Heller
Allen L. Martin

APPENDIX V

IN THE SUPREME COURT OF FLORIDA
(Before a Grievance Committee)

The Florida Bar,
Complainant,
vs. TFB File No. 94-00556-01A
Gary B. Lane,
Accused.
_____/

NOTICE OF NO PROBABLE CAUSE
AND LETTER OF ADVICE TO ACCUSED

The grievance committee has found no probable cause in the referenced cause against you and the complaint has been dismissed.

The committee wants to make it clear, however, that its finding does not indicate that it condones your conduct in this matter. While your conduct in this instance did not warrant formal discipline, the committee believes that it was not consistent with the high standards of our profession. The committee hopes that this letter will make you more aware of your obligation to uphold these professional standards, and that you will adjust your conduct accordingly.

This letter of advice does not constitute a disciplinary record against you for any purpose, and it is not subject to appeal by you.

The committee hopes that, as a result of this letter of advice you will timely pay you Bar dues. Bar dues are assessed every July 1st and are deemed delinquent on September 30th of each year. Beginning October 1st of each year, if you have not paid your Bar dues, you

are ineligible to practice law in the State of Florida until you have been reinstated to membership in good standing.

In this instance, the committee took into account the fact that you never received actual notice that you were dues delinquent. However, be advised the Bar rules only require that the Bar send a notice to your record bar address. Bar rules do not require actual receipt of the notice by you. It is further your responsibility to keep the Bar informed of your current address.

This committee expresses great concerns that in you Petition for Reinstatement to membership in good standing you indicated that you had not practiced law during the period of time you were dues delinquent. based upon the information before it, the grievance committee is concerned that is not a true statement. the committee warns you that you should be truthful in all statements made to The Florida Bar.

Dated this 3 day of June, 19 94.

FIRST JUDICIAL CIRCUIT GRIEVANCE COMMITTEE "A"

By: S/J. Nixon Daniel, III
J. NIXON DANIEL, III CHAIR

cc: Lois B. Lepp, Assistant Staff Counsel,
All Grievance Committee Members

APPENDIX W

The Florida
Seal
Bar

The Florida Bar
650 Apalachee Parkway
Tallahassee, FL 32399-2300
John F. Harkness, Jr 904/561-5600
Executive Director

July 12, 1994

CONFIDENTIAL

Ms. Sarah G. Benoit
1847 Garrett Mill Road
Crestview, Florida 32536

RE: Clients' Security Fund Claim No. 94-3289
Sarah G. Benoit v. William D. Barrow

Dear Ms. Benoit:

Recently, the Clients' Security Fund has experienced a substantial increase in dollars paid out and it became necessary to change our payment procedures. The new procedures provide for payment of the first $10,000 of the amount the Board of Governors has determined to be valid, with payment of all or any portion of the balance to be considered at the end of the fiscal year (June 30). If, at the end of the fiscal year, there are funds remaining in the Fund's payment account, you and others will be eligible to receive a pro rata share of these funds. There are no provisions for any balance to be carried over to the next fiscal year. Upon receipt of your pro rata share, or upon

notice that there are no further funds available, your file will be closed.

This procedure ensures that each eligible claimant will receive at least some compensation. It also ensures the continued existence of the Clients' Security Fund as a viable source of monetary relief to victims such as yourself.

Our Board of Governors has found that you claim is valid for up to $50,000. As explained in first paragraph above, we are at this time only authorized to issue payment in the amount of $10,000. You will be advised of the availability of additional funds after the close of the fiscal year.

Please complete and return the enclosed form so that we can process your payment.

Sincerely,

S/T. Bartlett
Teresa Bartlett
Clients' Security Fund Coordinator
/tb
Enclosure